Agenda

Oxford City Council

Court House

TUESDAY, SEPTEMBER 15, 2009

EXECUTIVE SESSION
7:00 P.M.

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

REGULAR MEETING
7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

A. Introduction - Part-Time Police Officers - Scott Campbell and Darryl Byrd

B. Notice to Legislative Authority - Transfer from Midstates Restaurants Inc DBA Pedros 1st Fl 40-44 E. Park Pl PO Box 591 Oxford Ohio 45056-0591 to Patterson Finance Co LLC 103 W Spring St Oxford Ohio 45056.

Staff Report/Notice

C. Public Comments

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

A. Minutes of the September 1, 2009 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes

B. Minutes of the September 1, 2009 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes

C. Report regarding the August 26, 2009 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report

D. Report regarding the September 2, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report

5. Resolutions

A. A Resolution authorizing the City Manager to establish and implement a Deer Management Program, to create rules and regulations for obtaining a Deer Hunting Permit, and to issue written permits to those individuals who meet the necessary qualifications. (Doug Elliott, City Manager)

Staff Report/Resolution

6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing

Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading.

1. An Ordinance Amending Section 505.11 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Hunting Prohibited, And Section 549.09 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Throwing Or Shooting Missiles. (Doug Elliott, City Manager)

Staff Report/Ordinance

B. Second Reading.

1. An Ordinance Approving The Final Subdivision Application For Campus Commons Subdivision, Phase One With Conditions. (Jung-Han Chen, Community Development Director)

Staff Report/Ordinance

2. An Ordinance Repealing Oxford Code Of Ordinances Chapter 146, Finance Commission. (Doug Elliott, City Manager)

Staff Report/Ordinance

3. An Ordinance Adopting New Chapter 550, Section 550.01 Of The Oxford Code Of Ordinances Establishing The Creation Of An Alcohol Education Program. (Steve Schwein, Police Chief)

Staff Report/Ordinance

7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the 'Announcements' portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

A. Announcements.

1. Remarks from City Council and City staff.

B. Future Meetings (Note: Meetings will be held at the Court House unless otherwise indicated.)

WED - Sept 16 Board of Zoning Appeals 7:30 p.m.

THURS - Sept 17 Recreation Board Meeting 12:00 p.m. Senior Citizens Center

FRI - Sept 18 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor

TUES - Sept 22 Community Open House & Historic Award Ceremony 5:00 p.m.

WED - Sept 23 Civil Service Commission Meeting 7:00 p.m.

WED - Sept 23 Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd

THUR - Sept 24 Police Advisory Board 7:00 p.m. Senior Citizens Center

FRI - Sept 25 Student Community Relations Commission Meeting 3:30 p.m. LCNB

TUES - Oct 6 Records Commission Meeting 5:30 p.m. Municipal Building 2nd Floor

TUES - Oct 6 City Council Meeting 7:30 p.m.

WED - Oct 7 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

THUR - Oct 8 Police Advisory Board 7:00 p.m. Senior Citizens Center

FRI - Oct 9 Student Community Relations Commission

TUES - Oct 13 Planning Commission Meeting 7:30 p.m.

THUR - Oct 15 Recreation Board Meeting 12:00 p.m. Senior Citizens Center

THUR- Oct 15 City Council Budget Work Session 7:00 p.m.

FRI - Oct 16 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - Oct 19 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor

TUES - Oct 20 City Council Budget Work Session 6:00 p.m.

TUES - Oct 20 City Council Meeting 7:30 p.m.

8. Adjourn

A Regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 1, 2009 at 7:30 p.m. Those members present were Ken Bogard, Richard Keebler, Alysia Fischer, Doug Ross, Kate Currie and Greig Rutherford.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; John Detherage, Fire Chief; Mr. Alan Kyger, Economic Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor Dana called for the Pledge of Allegiance.

ADJOURN TO EXECUTIVE SESSION

Ms. Currie moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions. Mr. Ross seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Rutherford moved to return from Executive Session at 7:28 p.m. Ms. Fischer Seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

APPROVAL OF AGENDA

Mr. Bogard moved to substitute Agenda Item 6.A.3. with a revised Ordinance adopting new Chapter 550, Section 550.01 of the Oxford Code of Ordinances establishing the creation of an Alcohol Education Program. Ms. Currie seconded. Mr. McHugh advised revisions to the Ordinance were received from the County Prosecutors after the agenda was published.

After a brief discussion, Council decided to consider the request to substitute when they reached Item 6.A.3. on the agenda. Mr. Bogard withdrew his motion to substitute and Ms. Currie withdrew her second.

Ms. Currie moved to approve the agenda. Ms. Fischer seconded the motion passed 7-0-0.

PUBLIC PARTICIPATION

RECOGNITION

Mayor Dana invited Dalton Schlichter to join her at the podium. Mayor Dana thanked all of those who assisted last Thursday with the annual 'Pig Roast' noting it was a wonderful community event and approximately 3,000 meals were served. Mayor Dana introduced Dalton Schlichter who was 8 years old and commended him for his recycling efforts during the event. Mayor Dana noted Dalton with assistance from Ms. Meeks collected soda cans from trash containers for recycling and was working on removing the tabs for the Ronald McDonald House. Mayor Dana named Dalton 'Recycler of the Month'.

PROCLAMATION
'HISPANIC HERITAGE MONTH'

Mayor Dana read the Proclamation and presented it to Ms. Jacque Rioja and Ms. Juanita Tate.

Ms. Jacque Rioja, thanked Council and invited everyone to attend the Latin and Caribbean Festival in the Uptown Parks on September 11, 2009.

PROCLAMATION
'THREE VALLEY CONSERVATION TRUST DAY'

Mayor Dana read the Proclamation and presented it to Board Members of the Three Valley Conservation Trust.

Mr. Adolph Greenberg, Chair, Board of Trustees, thanked Council and invited everyone to attend their 15th anniversary celebration at the Beck Farm on October 4, 2009 and the Auction for Acres event at the Knolls of Oxford on November 7, 2009.

APPOINTMENTS TO BOARDS AND COMMISSIONS

STUDENT COMMUNITY RELATIONS COMMISSION

Ms. Fischer moved to appoint herself as the Council Representative, Joshua First as the Mile Square Representative for a term expiring in 2012, Richard Daniels and Roseann Julian as the Resident Representatives for terms expiring in 2012, Ms. Fischer moved to confirm the appointments of Christopher Escue as the Miami University Graduate Representative and Matthew Ciccone, Lane Clegg, Randi Keefer and Matthew Frazier as the Undergraduate Representatives. Ms. Currie seconded. The motion passed 7-0-0.

ASSESSMENT EQUALIZATION BOARD

Ms. Fischer moved to nominate Steve Flee and Craig Bruder to the Assessment Equalization Board for indefinite terms. Mr. Keebler seconded. The motion passed 7-0-0.

PUBLIC RIGHT-OF-WAY REQUEST – EVILUTION UNLIMITED

Ms. Carly McFadden and Mr. Brandon Whitaker

Mr. Brandon Whitaker, advised he prepared revised Right-of-Way requests to use the public right-of-way two days a week between the hours of 10 a.m. and 4 p.m. in the Spring Street and Patterson Avenue area to promote a haunted attraction. Mr. Whitaker described the haunted attraction which would be located in College Corner and advised their goal was to shuttle students from the campus area for an evening of alternative entertainment.

Mr. Ross inquired why Council needed to approve the right-of-way request and Mr. McHugh advised Council's current policy required their approval for requests to use the Parks or right-of-way in excess of 2 days.

Several members of Council expressed concern with the policy noting the applicants had every right to walk on the sidewalks and hand out flyers.

Mr. Bogard inquired what precipitated the policy in the beginning and Mr. McHugh advised many requests could involve extra Police Officers or Street personnel and this was an effort to regulate the right-of-way. Mr. Keebler noted his feeling the policy was intended more for the use of the Uptown Parks and it was a stretch to require a permit for this type of activity. Mr. Elliott advised staff was reviewing other aspects of the policy and would take Council's comments under advisement as well.

Ms. Fischer moved to remove the request from the agenda. Mr. Bogard seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

PUBLIC COMMENTS

Mr. Mike Ramsey, 6011 Stillwell Road, distributed a letter to Council with regard to the City's request for property owners on Main Street to replace sidewalk, curb and gutters. Mr. Ramsey advised he sent a letter to property owners on Main Street regarding the issue and received quite a few responses. Mr. Ramsey outlined his concerns as reflected in the letter noting the City never really had a sidewalk, curb and gutter maintenance program. Mr. Ramsey advised his feeling Washington State had it right – have a maintenance program and the citizens could be held liable for the cost otherwise the city paid. Mr. Ramsey noted many of the sidewalks had been in their present condition for decades and because the State of Ohio included Main Street in their Urban Paving Program suddenly much of the sidewalk, curb and gutter was bad and needed replaced. Mr. Ramsey noted there was no engineering criterion for what was and was not acceptable sidewalk. Mr. Ramsey detailed several other concerns regarding the matter.

Mayor Dana encouraged Mr. Ramsey to discuss his concerns with Mr. Dreisbach.

Mr. Ramsey advised he would like to see the City assist in the cost of the repairs.

Mr. Dreisbach addressed Mr. Ramsey's concerns noting Chapter 1101.05 of the Oxford Code of Ordinances contained criteria for repairing sidewalk, curbing and gutters. Mr. Dreisbach advised the City had been sending notices for sidewalk repair for 7-8 years and more aggressively on High Street and high profile areas of town. Mr. Dreisbach noted owners with defective curb, gutter or sidewalk received a letter from the City with a list of qualified contractors who had the City's specifications for making the repairs. Mr. Dreisbach advised the City could make the necessary repairs make an assessment which could be paid back over time. Mr. Dreisbach noted ODOT was funding 70% of the reconstruction of Main Street (Rt.732) and required handicapped ramps to be installed where necessary and curbs and gutters to be strong and secure.

Mr. Rutherford advised the owners could make the repairs themselves as long as City specifications were met. Mr. Rutherford encouraged Mr. Ramsey to work with Mr. Dreisbach and City staff regarding his concerns.

CONSENT AGENDA

Mr. Bogard requested removal of item E. Report.

MINUTES

Minutes of the August 21, 2009 City Council Work Session Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the August 21 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the August 25, 2009 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the August 17, 2009 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen Community Development Director)

RESOLUTIONS

**RESOLUTION
PURCHASE OF
DE-ICING MATERIALS**

A Resolution No. 4480 authorizing the City Manager to accept the contract secured by Butler County and authorizing the City Manager to purchase from North American Salt Co. road de-icing materials for an amount not to exceed $95,000.00. (Mike Dreisbach, Service Director)

Mr. Keebler moved to approve the consent agenda. Ms. Fischer seconded. The motion passed 7-0-0.

REPORTS

Report regarding the August 19, 2009 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Mr. Bogard requested clarification of the variances granted by the Board of Zoning Appeals which Mr. Chen addressed.

Mr. Bogard moved to accept the Report regarding the August 17, 2009 Board of Zoning Appeals Meeting. Mr. Keebler seconded. The motion passed 7-0-0.

RESOLUTION

**RESOLUTION
ASSESSMENT OF
DELINQUENT CHARGES**

A Resolution No. 4481 authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be places on the Butler County, Ohio property tax duplicate. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 29 of the agenda noting the deadline to file special assessments with the Butler County Auditor was September 14, 2009.

Mr. Keebler moved to adopt Resolution No. 4481. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Bogard, Ms. Dana (5)

NAY: Mr. Ross, Mr. Rutherford (2)

ABS: None (0)

**ORDINANCES
FIRST READING**

**ORDINANCE
FINAL SUBDIVISION APPLICATION**

An Ordinance Approving The Final Subdivision Application For Campus Commons Subdivision, Phase One With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 33 of the agenda noting the three conditions as listed on page 35 of the agenda.

Mr. Robert Broestl, Project Engineer, updated Council with regard to the Homeowners Association and the EPA approval of the sanitary sewer. Mr. Broestl noted Mr. Mike Stegman who prepared the Homeowners Association documents was also in attendance to answer any questions.

Mr. McHugh advised he worked with Mr. Stegman on the Homeowners Association documents and recommended changes which Mr. Stegman accepted and incorporated into the documents making this a perpetual arrangement.

Ms. Fischer noted complaints were received that citizens did not want more density in this area but it was zoned residential and Council was not voting on density issues.

Ms. Fischer noted the decision regarding the proposed Ordinance was whether or not the Final Subdivision Application matched the Preliminary Subdivision Application.

Mr. Rutherford inquired if deviations were made from the Subdivision Regulations and Mr. Keebler noted the street widths were more narrow but matched the existing streets.

ORDINANCE
REPEALING CHAPTER 146

An Ordinance Repealing Oxford Code Of Ordinances Chapter 146, Finance Commission. (Doug Elliott, City Manager)

Mr. Elliott referred to Mr. Bogard's letter on page 72 of the agenda recommending the Finance Commission be discontinued. Mr. Elliott noted he agreed with Mr. Bogard that the Commission seemed redundant and un-necessary.

Mr. Keebler advised he served on the Finance Commission and the members felt Council did a thorough review of the budget and this Commission was not needed.

ORDINANCE
ALCOHOL EDUCATION
PROGRAM

An Ordinance Adopting New Chapter 550, Section 550.01 Of The Oxford Code Of Ordinances Establishing The Creation Of An Alcohol Education Program. (Steve Schwein, Police Chief)

Mr. McHugh addressed the changes requested by the prosecutor's office which was why staff requested the Ordinance be substituted with the updated language. Mr. McHugh noted the program would be operated by the Police Chief instead of the prosecutor.

Ms. Fischer noted concern with substituting the Ordinance since the public did not have an opportunity to read it.

Mr. McHugh advised a number of court cases were pending and individuals were waiting to attend the program.

Mr. Keebler advised he read the Ordinance staff was requesting to be substituted and there were no substantial changes.

Mr. Bogard moved to substitute an updated Ordinance adopting New Chapter 550, Section 550.01 of the Oxford Code of Ordinances establishing the creation of an alcohol education program. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Keebler, Ms. Dana (4)

NAY: Mr. Rutherford, Ms. Fischer, Mr. Ross (3)

ABS: None (0)

Ms. Fischer noted she would like the Student Community Relations Commission to review the proposed Ordinance and provide comments regarding it. Ms. Fischer suggested the First Reading of the proposed be delayed until the next meeting.

Chief Schwein noted the proposed program was voluntary and would be a benefit to everyone.

Ms. Fischer moved to delay the first reading of the substituted Ordinance until the next meeting. Mr. Rutherford seconded. The motion failed by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Rutherford (3)

NAY: Mr. Bogard, Mr. Keebler, Mr. Ross, Ms. Dana (4)

ABS: None (0)

Mr. Ross requested clarification to Item (C) on page 78 of the agenda regarding the Law Enforcement Trust Fund which Chief Schwein addressed.

Ms. Bobbe Burke, addressed Council regarding the value of having the SCRC review the proposed Ordinance. Ms. Burke noted she wanted to make sure the program meshed with the program in place by the university.

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTIONS
503.02 AND 503.98

An Ordinance Repealing Oxford Code Of Ordinances Sections 503.02 and 503.98 And Adopting New Oxford Code Of Ordinances Sections 503.02 And 503.98; Titled 'Classification Of Civil Offenses' And 'Fines'. (Steve Schwein, Police Chief)

Chief Schwein addressed his staff report as presented on page 80 of the agenda. Chief Schwein noted the proposed Ordinance would de-criminalize certain quality of life issues by issuing civil citations for the offenses listed on page 81 and 82 of the agenda.

Ms. Fischer noted the SCRC discussed the proposed Ordinance at their last meeting at length.

Ms. Fischer noted several years ago Council worked on a solution to enforce litter, noise and outdoor furniture violations and the current way these offenses were cited had been successful.

Mr. Rutherford inquired what the current fine was and Chief Schwein advised $60.00 plus $100.00 in court costs.

Ms. Fischer referred to page 82 of the agenda and moved to strike item 521.12A from the proposed Ordinance. Mr. Ross seconded. The motion passed by the following roll call:

AYE: Mr. Ross, Ms. Currie, Ms. Fischer, Ms. Dana (4)

NAY: Mr. Keebler, Mr. Rutherford, Mr. Bogard (3)

ABS: None (0)

Ms. Currie moved to adopt Ordinance No.3076 as amended. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance No. 3077Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 154.487Acres Of Land Located At 4135 Millville-Oxford Road, Oxford, Ohio And Rezoning The Property From A-1 (County Zoning) To R1A (Single-Family Low Density Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information to add. Mr. Chen noted the working relationship between the school administration and staff had been a great experience.

Mr. Bill Houck, inquired what the motivation was to rezone the property to R1A and Mayor Dana advised the City did not have an A1 district at this time. Mr. Chen noted A1 was a county zoning designation.

Mr. Rutherford noted concern that the BZA granted variances for property before it was annexed into the City. Mayor Dana noted she would ask Mr. McHugh to address the issue.

Mr. Houck as a member of the Board of Zoning Appeals spoke from the audience regarding Mr. Rutherford's comment.

Mr. Bogard moved to adopt Ordinance No. 3077. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3078 Approving A Conditional Use Permit To Permit A Public School In The R1A (Single-Family Low Density Residential) District Located At 4135 Millville-Oxford Road With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 104 of the agenda and noted condition c. was added to the proposed Ordinance based on Council's amendment at the previous meeting.

Ms. Fischer inquired if this was the last piece of legislation to come before Council related to the new school and Mr. Chen advised yes.

Mr. Bogard noted he was looking forward to the future roadway extension.

Ms. Fischer moved to adopt Ordinance No. 3078. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted he appreciated the discussion regarding Tax Increment Financing during tonight's Work Session and asked Council to provide staff with direction as to whether or not to move forward with the process.

Mr. Elliott reminded Council there was an Open House scheduled for Wednesday, September 9, 2009 with representatives from the Ohio Department of Natural Resources to discuss Deer Management within the City.

Mr. Kyger requested Council's input with regard to Tax Increment Financing.

Mayor Dana advised she would like the TIF process to move forward

Mr. Rutherford advised he would like to see a TIF program implemented and noted he would not want it restricted to the UP District. Mr. Rutherford suggested including the RO and Mile Square Districts. Mr. Rutherford advised he would like to see a list of projects developed, organized and prioritized.

Mr. Bogard echoed Mr. Rutherford's comments noting he would like to see the program include the Locust Street area.

Mr. Keebler noted he felt it was important to identify and prioritize projects and for Council to have a specific goal for the use of funds for a particular area of town.

Ms. Currie suggested scheduling a Work Session to identify projects which would also serve as a public hearing.

Mr. McHugh advised a Work Session would not serve as the public hearing and suggested Bond Counsel be contacted to make sure projects met the legal requirements for bonding. Mr. McHugh advised if Council wanted to move forward legislation could be drafted to define the TIF process and projects.

Mayor Dana advised concern had taken place this week with regard to public and private use of the 16 ½' set back at Main and High Streets and asked Mr. Elliott to comment on the situation.

Mr. Elliott advised the building at Main and High recently opened for residents which had a walkway/patio area that was being used by residents to drink alcoholic beverages. Mr. Elliott noted the Police Department felt the open container law was being violated and wanted to issue citations. Mr. Elliott noted he advised the Police Department this was vacated right-of-way and was private property and cautioned them not to issue citations for open container. Mr. Elliott advised he and staff were looking at various sections of the zoning code and noted he would like to hear comments from Council and the public regarding the matter.

Mr. Bill Houck, referred to Zoning Code Section 1143.10 E.2.a. which stated 'Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.' Mr. Houck noted his feeling the Zoning Code was very clear on the matter and any other uses would require a variance from the Board of Zoning Appeals.

Mr. Mike Smith, Chair, Historic and Architectural Preservation Commission, advised the commission was alarmed by what had happened at this location. Mr. Smith noted his feeling the commission would not be in favor of a private beer garden. Mr. Smith advised a gate was added to the area without the HAPC's approval and it was their assumption that this area would be a through walkway/sidewalk.

Mr. Todd Hollenbaugh, Chair, Board of Zoning Appeals, noted the project came before the BZA for a variance to build in the 16 ½' vacated right-of-way and the request was unanimously denied. Mr. Hollenbaugh noted he was having serious second thoughts about the denial noting 50-60 residents were consuming alcohol in the area between 2:00 and 4:00 a.m. Mr. Hollenbaugh expressed concern this would be an issue all through the Uptown District with new mixed use buildings.

Mr. McHugh cautioned Council with regard to commenting on the situation as it was still under review by staff and may at some point evolve into a legal action.

Mr. Keebler advised he felt Zoning Code Section 1143.10 E.2.a. was very clear and he did not know why a discussion was needed. Ms. Fischer agreed.

Mr. Rutherford noted some properties in the Uptown District did not have commercial space at grade and he was not sure what the enforcement issues were with regard to those properties. Mr. Rutherford referred to Mr. Houck's comment and advised the City had no 'Use Variances'. Mr. Rutherford noted concern with actions of the BZA as related to the Ohio Revised Code.

Mayor Dana advised Council would deal with the situation and rely on input from staff and the Boards and Commissions.

Ms. Currie advised the Bicentennial Event Planning Committee would meet on Wednesday, September 9th at 5:30 p.m. at the Visitors and Convention Bureau.

Ms. Fischer reminded everyone that the 7th annual Latin American and Caribbean Festival would take place Friday, September 11th in the Uptown parks from 5:30 p.m. to 10:00 p.m. and encouraged everyone to attend.

Mr. Bogard requested that the Open House for Deer Management on September 9th be advertised as much as possible.

Mr. Rutherford advised Boy Scout Troop 930 would celebrate its 70th anniversary soon and special events would be planned for the occasion.

Mr. Rutherford noted space was available at the Senior Citizens Center for anyone who needed senior day care.

Mr. Rutherford requested a report from the Board of Zoning Appeals with regard to why some members felt pressured to take certain actions.

Mr. Elliott encouraged Mr. Rutherford to view the Board of Zoning Appeals meetings on line to see what the tone and tenor of the meetings were.

Mr. Ross advised the Miami University auction would take place Saturday.

Mr. Ross noted City Council candidates Mr. Blackburn and Mr. McKeehan were in attendance as well as Professor Prytherch's students.

ADJOURNMENT

Ms. Currie moved to adjourn at 10:11 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

The Work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 1, 2009 at 6:30 P.M. Those Council members present were: Ken Bogard, Doug Ross, Richard Keebler, Kate Currie and Greig Rutherford. Alysia Fischer was excused.

Staff members present: Doug Elliott, City Manager; Alan Kyger, Economic Development Director, Joe Newlin, Finance Director; Mike Dreisbach, Service Director; Jung-Han Chen, Community Development Director; John Detherage, Fire Chief; Steve McHugh, Law Director and Mary Ann Eaton, Clerk of Council.

Also present were Bob Blackburn, John Harmon and Kevin McKeehan, candidates for City Council.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Rutherford seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information regarding Tax Increment Financing.

Mr. Elliott advised Tax Increment Financing (TIF) could be an effective tool for Economic Development in the Uptown District and advised Mr. Kyger would provide a presentation regarding the TIF concept.

PRESENTATION

Mr. Kyger provided a PowerPoint presentation and explained that Tax Increment Financing was an economic development mechanism available to local governments in Ohio. Mr. Kyger noted a TIF worked by locking in the taxable worth of real property at the value it held at the time the TIF was approved and as the value of the real property appreciated, the increased collected revenues were placed in a separate fund to finance the construction of the public infrastructure projects defined within the TIF legislation.

Mr. Kyger explained how TIF's could be used; the two general types of TIF's and the tax benefits as well as how TIF revenues were created.

Mr. Kyger discussed possible TIF locations and projects in the Uptown District and the required actions to initiate the process.

Mr. Kyger, Mr. Elliott and Mr. McHugh answered questions from Council regarding the TIF concept, benefits and incentives for merchants.

AJOURNMENT

Ms. Currie moved to adjourn at 7:15 p.m. Mr. Bogard seconded. The motion carried 6-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: September 15, 2009

Account Code No. #: N/A

Budgeted Amount: N/A

Clerk of Council
Originating Department

Mary Ann Eaton
Prepared By

September 2, 2009
Date Prepared

Agenda Title: Legislative Authority Notice - Transfer from Midstates Restaurants Inc DBA Pedros 1st Floor 40-44 E. Park Place P.O. Box 591 Oxford, Ohio 45056-0591 to Patterson Finance Co. LLC 103 W. Spring Street Oxford, Ohio 45056.

Recommendation:

Discussion: This is the transfer of a permit for Patterson's Café.

The permit is for:

D5 - Spirituous liquor for on premises consumption only, beer and wine for on premises, or off premises in original sealed containers, until 2:30 a.m.

D6 - Sunday sales.

This transfer will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	[signature]	9-10-09

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

RECEIVED

City of Oxford

TO

67533280005 PERMIT NUMBER / TFOL TYPE	PATTERSON FINANCE CO LLC 103 W SPRING ST OXFORD OHIO 45056
06 01 2008 ISSUE DATE	
08 21 2009 FILING DATE	
D5 D6 PERMIT CLASSES	
09 088 TAX DISTRICT / A / F01315 RECEIPT NO.	

FROM 08/25/2009 SAFEKEEPING

59278530005 PERMIT NUMBER / TYPE	MIDSTATES RESTAURANTS INC DBA PEDROS 1ST FL 40-44 E PARK PL P O BOX 591 OXFORD OHIO 45056-0591
06 01 2008 ISSUE DATE	
08 21 2009 FILING DATE	
D5 D6 PERMIT CLASSES	
09 088 TAX DISTRICT / RECEIPT NO.	

MAILED 08/25/2009 RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/25/2009

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TFOL 6753328-0005
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD MUNICIPAL COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

DLC 4052 REV. 03/09

FOR OFFICE USE ONLY
NEW TRANSFER
PERMIT # 6152778-0005

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr

OH... LIQUOR CONTROL
2009 AUG 18 AM 9:01

LIMITED LIABILITY COMPANY DISCLOSURE FORM

(This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company: Patterson Finance Company, LLC	DBA Name	
Permit Premises Address: 103 West Spring Street	City, State: Oxford OH	Zip Code: 45056
Township, if in Unincorporated Area	Tax Identification No. (TIN): 20-0465474	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. **If an office is NOT held, please indicate by writing NONE.**

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO None		
2) President None		
3) Vice-President None		
4) Secretary None		
5) Treasurer None		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name: Michael M. Patterson	Social Security No. (if individual)	[X] Managing Member
Residence Address: 6163 Contreras Rd.	Tax Identification No. (if applicable)	[X] 5% or greater voting interest
City and State: Oxford OH	Zip Code: 45056	[X] 5% or greater membership interest
Telephone No.: 513-523-1545	Date of Birth: 3/14/63	
Name: Michelle C. Krause	Social Security No. (if individual)	[X] Managing Member
Residence Address: 6163 Contreras Rd.	Tax Identification No. (if applicable)	[X] 5% or greater voting interest
City and State: Oxford OH	Zip Code: 45056	[X] 5% or greater membership interest
Telephone No.: 513-523-1545	Date of Birth: 11/26/67	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Butler COUNTY ss.

I, Michael M. Patterson being first duly sworn, according to law, deposes and says that he/she is (Title) Managing Mbr of the Patterson Finance Company, LLC a business duly authorized by law to do business in the State of Ohio, and that the statements made in the forgoing affidavit are true.

(Signature) [signature] (Print Name and Title) Michael M. Patterson, Managing Mbr

Sworn to and subscribed in my presence this 13th day of August, 2009

[signature] Pamela S. Lindley
(Notary Public) (Notary Expiration)

DLC 4032 EOE/ADA SERVICE PROVIDER FOR TTY USERS DIAL 1-800-750-0750 REV. 6-08

PAMELA S. LINDLEY
Notary Public, State of Ohio
My Commission Expires 06/27/12

09 BUTLER 088 OXFORD POPULATION 22,887

CLASS	RATIO	PERMIT QUOTA	PERMITS ISSUED	PERMITS AVAILABLE	APPLICATIONS ON FILE
C1	1,000	23	17	6	0
C2	1,000	23	18	5	0
D1	2,000	12	12	0	2
D2	2,000	12	12	0	3
D3	2,000	12	11	1	3
D3A	0	0	7	7	0
D4	2,000	12	1	11	0
D5	2,000	12	11	1	5

www.com.ohio.gov/lqr/rpts/quota1.txt

9/2/09

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

Council Meeting of: September 15, 2009

David Treleaven
Prepared By

Account Code #: N/A

Budgeted Amount: N/A

August 27, 2009
Date Prepared

Agenda Title:	Environmental Commission Meeting of August 26, 2009

Recommendation:	For Review and Consideration

Discussion:
Environmental Commission members present at the Wednesday, August 26, 2009 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; Secretary, Ms. Heidi Schran; Planning Commission Representative, Mr. Ted Wong; Ms. Kelly Church; and Mr. Keith Armitage. A quorum was present. Oxford resident Mr. Orie Loucks was also in attendance. City Council Representative, Mr. Greig Rutherford had notified the Commission earlier that he would not be able to attend the meeting.

Mr. Loucks requested that the Commission review the Institute of Environmental Sciences (IES) public service project investigating the carbon footprint and energy audit of the Oxford community. He believed the summary report would be available by the end of August or early September, 2009. During the Environmental Commission's September 23, 2009 meeting, Mr. Loucks hopes that a recommendation will be made to City Council regarding the findings of the IES project. Mr. Loucks also informed the Commission that Oxford Township had revised its land use plan and asked that the Commission be mindful of the Township's land use plan when making its revision recommendations regarding open space cluster residential developments.

Commissioners discussed possible revisions to the open space cluster residential development regulations. It was agreed that the current requirement of a minimum of 20 percent open space should to be increased. To encourage additional open communal spaces beyond the minimum requirement, the amount and/or nature of incentives to the developer should increase if additional open, contiguous communal spaces beyond the minimum requirement are set aside in the development. The open communal space(s) should emphasis natural indigenous features and any potential historic characteristics of the land.

The Commission adjourned at 8:30 p.m. The next Commission meeting is a special meeting called for by the Chair to review the IES energy audit study and open space cluster residential development recommendations. The special meeting is tentatively scheduled for Wednesday, September 9, 2009 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

	Initial \ Date
Department Head:	NBT \ 8/28/09
City Attorney:	\
City Manager:	DMB \ 9-10-09

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager — Community Development, **Originating Department**

Council Meeting Of: September 15, 2009 — Kathryn A. Dale, **Prepared By**

Account Code No. #:

Budgeted Amount: — September 3, 2009, **Date Prepared**

Agenda Title: HAPC Meeting Report – September 2, 2009

DISCUSSION:
Requests for Review: None.

Correspondence and Announcements:
Ms. Dale shared that effective immediately full agenda packets will no longer be set out for the public. Only the agenda's will be available and then if someone wants the associated documents they can request them or view them online.

Ms. Kay asked if it was necessary to mail the HAPC packets and asked if everyone would be willing to pick them up at the police station like all the other boards and commissions do. Everyone agreed.

Old Business:
Updates On:

33 W. High - Green Door (color) – Ms. Henderson has spoken with the commercial tenant and they have selected a new color. She will be providing a copy of the color chip to staff and the tenant.

117 W. Church – pillar restoration – Mr. Smith, no new information

30 W. High - Quiznos – Tom Kacachos was present for another issue and said that they still intend to restore the façade and remove the plywood board on the building, but that their focus right now is on 10 W. Park Place.

200 W. Church – pillar repair – Mr. Smith shared with Mr. Kacachos that he wasn't sure the Commission was happy with the repair to the pillars, that it appears the pillars were cut off and concrete pavers were installed to hold up the pillars. Ms. Peterka stated that concrete pavers will only hold moisture in the pillars and eventually cause more damage. Mr. Kacachos indicated that he had not seen the repair yet and that he would look into it with his contractor. He said he was under the impression that another material was to be utilized. Mr. Smith said he would continue to work with Mr. Kacachos on the issue.

New Business:
Presentation on Approved Cases:
10 W. Park Place – approved façade. Tom Kacachos was present and explained that they are coordinating with Duke Energy to have power lines moved and removed, and they were scheduled to be on site this week, starting with the alley side of the buildings. He said they intend to be complete with the whole building by October 15, 2009. He described briefly some of the drainage issues with the bank building and their building and how this will be corrected. Mr. Kacachos said he is requesting a modification to the originally approved façade improvements due to some of these drainage issues and other general concerns. He indicated that he was worried that the cornice band above the door, as approved, going across both buildings is very non-traditional. Furthermore, he thought that even though the intent was meant well to make this appear as one building that no matter what is done it will always look like two buildings due to the differing materials and

Mr. Kacachos asked if the false façade was really necessary for the narrow building. The Commission agreed to leave the heights as they are currently and as presented in the revised elevation drawings. They also agreed that the decorative band above the doors should be simplified. Mr. Kacachos stated that they would like to paint the background of the building crème and the window cornice blue and red like the cornice work at 26 & 28 W. High. The Board agreed that this would be acceptable; however, Mr. Smith stated he thought it nice to mix it up a little and maybe consider hunter green and red. The Board agreed to Ms. Peterka and Mr. Kacachos meeting next week for final color selections.

Administrative Findings / Approvals:
Mr. Smith shared that there were some concerns over the patio area at 1 W. High, as the patio was recently enclosed with additional fencing and a gate was installed without HAPC approval.

Ms. Dana explained that staff and multiple departments were looking into the issues regarding this property and taking all precautions to ensure property rights are not violated. Mr. Smith asked the Commission for their guidance regarding this request to enclose part of the patio with a continuation of the same fencing. Mr. Smith and Ms. Dale explained that it was not this Commission's purview to discuss the use of the patio, but rather the style of the proposed fence extension. Ms. Dale stated that she thought it would be difficult to deny based on the fact that this fence style had already been approved and that the owner requested a continuation of the same fence. Mr. Smith asked the Commission if they saw any reason for the recent request to come back before the entire board. All agreed that Mr. Smith could review and approve administratively.

Other Business:
Open House Discussion – Ms. Dale shared that the Open House was scheduled for September 22, 2009 at the Community Arts Center and that everything was beginning to come together. Ms. Henderson shared that the final versions of the plaques would not be ready for the award ceremony but a very close sample would be handed out.

Ms. Dana shared the TIF program that the City was looking into initiating and that Mr. Kyger could possibly attend a meeting in the future to share the details.

Mr. Smith asked members to start looking at The Balcony building because of a recent newspaper article indicating that this would be a project coming before them in November.

The next regular HAPC meeting is scheduled for October 7, 2009.

Approved By:

	Initial	Date
Department Head:	AC	9/9/09
City Attorney:		
City Manager:	DNE	9-10-09

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: September 15, 2009

Doug Elliott
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

September 9, 2009
Date Prepared

Agenda Title: A Resolution authorizing the City Manager to establish and implement a Deer Management Program, to create rules and regulations for obtaining a Deer Hunting Permit, and to issue written permits to those individuals who meet the necessary qualifications.

Recommendation: Adopt the Resolution

Discussion:

The proposed Resolution will allow for the implementation of the City's Deer Management Program and the creation of rules, regulations and qualifications for individuals to obtain a Deer Hunting Permit from the City of Oxford.

A proposed pilot program was presented to Council at the August 18th meeting. The program will include a bow and arrow hunting program from tree stands on large tracts of land within the City. It will be by application to and permission of the City Manager. State of Ohio hunting laws will be followed. A proficiency test will be administered to the hunters. It will include hunting of female deer only (antlerless). The first deer taken will be donated to the Community Meal Center (CMC) in Hamilton, Ohio. CMC provides meals to the needy each week on Tuesday and Friday. The processing cost for the donated deer will be paid for by the CMC with grant funding. The City will reimburse the hunter for that tag. Each approved hunter will receive an assigned hunting area and a specified time period in which to hunt. All harvested deer will be reported to the City Manager. The emphasis is on safety. If Council approves this program, the City could harvest 15 to 30 deer the first year. In order to be successful this program will need to be continued each year. The goal is to work towards restoring a natural balance not to eliminate white tailed deer. The implementation of the program will also require amending two sections in the codified ordinances that prohibit hunting or discharging of arrows within the City. An Open House with the Ohio Department of Natural Resources was held on September 9th from 6 to 8 P.M. to discuss the deer issue and the pilot program.

Approved By:

	Initial	Date
Department Head:	DRE	9.10.09
City Attorney:		

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH AND IMPLEMENT A DEER MANAGEMENT PROGRAM, TO CREATE RULES AND REGULATIONS FOR OBTAINING A DEER HUNTING PERMIT, AND TO ISSUE WRITTEN PERMITS TO THOSE INDIVIDUALS WHO MEET THE NECESSARY QUALIFICATIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION I: The City continues to experience problems with the overpopulation of deer. In an effort to address these problems, the City Manager recommends City Council authorize the City Manager to establish and implement a Deer Management Program which will allow individuals to hunt deer with a crossbow or bow and arrow on public land or tracts of private land in excess of five (5) acres with the owners written permission, upon the individual obtaining a written hunting permit from the City Manager.

SECTION II: The City Manager also recommends City Council authorize him to establish a procedure for obtaining a written permit and to determine which qualifications an individual must meet before that individual can obtain a written hunting permit from the City Manager.

SECTION III: Council accepts the recommendation of the City Manager and hereby authorizes the City Manager to establish and implement a Deer Management Program, to create rules and regulations for obtaining a written hunting permit, to determine the qualifications that an individual must satisfy before obtaining a written hunting permit, and to issue written hunting permits to those individuals who meet the necessary qualifications.

SECTION IV: This Resolution shall take effect at the earliest date allowed by law.

____
MAYOR

ADOPTED:

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Originating Department

Council Meeting Of: September 15, 2009

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

September 9, 2009
Date Prepared

Agenda Title: An Ordinance Amending Section 505.11 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Hunting Prohibited, And Section 549.09 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Throwing Or Shooting Missiles.

Recommendation: Adopt the Ordinance

Discussion:

The proposed Ordinance will allow for the hunting of deer within the corporate limits of the municipality in accordance with the City's Deer Management Program.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DAE	9-10-09

ORDINANCE NO. _______

ORDINANCE AMENDING SECTION 505.11 OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, ENTITLED HUNTING PROHIBITED, AND SECTION 549.09 OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, ENTITLED THROWING OR SHOOTING MISSILES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION I: The City Manager recommends Section 505.11 and 549.09 of the Codified Ordinances of the City of Oxford, Ohio be amended to authorize individuals to use a crossbow or bow and arrow to hunt deer after obtaining a written hunting permit from the City Manager in accordance with the rules and regulations of the City's Deer Management Program.

SECTION II: City Council finds that Section 505.11 and Section 549.09 of the Codified Ordinances of the City of Oxford, Ohio must be modified to allow individuals who have obtained a written permit from the City Manager to hunt deer in accordance with the rules and regulations of the City's Deer Management Program.

SECTION III: Section 505.11 of the Codified Ordinances of the City of Oxford, Ohio, is hereby amended to read as follows:

505.11 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality, **with the exception of individuals who have obtained a written hunting permit from the City Manager to hunt deer in accordance with the City's Deer Management Program.**

(b) Whoever violates this section is guilty of a minor misdemeanor.

SECTION IV: Section 549.09 of the Codified Ordinances of the City of Oxford, Ohio, is hereby amended to read as follows:

549.09 THROWING OR SHOOTING MISSILES.

(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. **This section does not apply to individuals who have obtained a written hunting permit from the City Manager to hunt deer in accordance with the City's Deer Management Program.** This section **also** does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

SECTION V: This ordinance shall take effect at the earliest time allowed by law.

____
MAYOR

ADOPTED: ____________

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: September 1, 2009

Account Code No. #:

Budgeted Amount:

Community Development Department
Originating Department

Jung-Han Chen
Prepared By

August 24, 2009
Date Prepared

Agenda Title: PC-10-2009 FINAL SUBDIVISION – South Campus Avenue, Campus Commons, Phase 1, 7 lots, 5.434 acres, proposed residential subdivision R2MS (Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

Recommendation: Approval

Discussion:
The Planning Commission held a Public Hearing on this Final Subdivision proposal for Phase I.

Phase I consists of 5.434 acres and seven two-family lots. The Applicant proposes to construct the Poplar Street improvement from Central Avenue to the new Rose Avenue extension. Two drainage basins are shown in Phase I; however, only one will be constructed during this Phase. The Homeowner's Association documents indicate that these will be maintained by the Association and access easements are provided. The sanitary sewer running through the Campus Courts apartment complex parking lot will be capped and rerouted into the new 18" main to be installed in the Rose Avenue extension. The sanitary line on Poplar Street will also be upgraded from a 12" to an 18" main.

The Planning Commission inquired about the HOA sign requirements and the Ohio EPA comments regarding the sanitary sewer. Mr. Victor Popescu, City Engineer, presented that the Applicant had made the necessary revisions regarding the sanitary and did not expect any more concerns to be raised by the EPA.

Public concern was raised regarding street standards not being met or the requirement that states new subdivision blocks can be no deeper than 300 feet. City Staff clarified that the Planning Commission discussed these issues during the Preliminary and that there was a provision under Section 1101.08 that allowed for variations and exceptions if deemed necessary.

The Planning Commission determined that the Final for Phase I substantially represented what was approved in the Preliminary and voted 5-0-0 to Approve with conditions:

That final Ohio EPA approval is received regarding the sanitary sewer, and

That the Homeowner's Association documents are reviewed and approved by the Law Director prior to final recording.

Approved By:		**Initial**	**Date**
	Department Head:	**JHC**	**8/24/09**
	City Attorney:		
	City Manager:	JMB	8/24/09

ORDINANCE NO.

ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION FOR CAMPUS COMMONS SUBDIVISION, PHASE ONE WITH CONDITIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: In accordance with Oxford Code Section 1101.03, the Oxford Planning Commission held a public hearing on July 14, 2009 and August 11, 2009 on the application of Paul W. Baer Trust Properties, L.L.C./Robert Broestl, P.E. for approval of the final subdivision for Campus Commons Subdivision, Phase One.

SECTION 2: After due deliberation, the Planning Commission recommended the approval of the Final Subdivision application for Campus Commons Subdivision, Phase One.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Subdivision application for Campus Commons Subdivision, Phase One with the following conditions:

a) The final approval from the Ohio EPA is received regarding the sanitary sewer.
b) The Home Owners Association Declarations are reviewed and approved by the Law Director prior to the final recording.
c) All proper recordings including the Home Owners Association Declarations shall be filed and recorded at the Butler County Recorder's Office within one (1) year or the approval shall be considered null and void.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

____
MAYOR

ADOPTED:

ATTEST:

____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	September 1, 2009
Case Number	PC-10-2009
Applicant Information	Robert Broestl, P.E. Paul W. Baer Trust Properties LLC
Requested Action	Final Subdivision – Campus Commons, Phase 1
Summary of Request	To Allow for a Proposed Residential Subdivision in a R2MS (Single and Two Family Residential) District
Public Hearing Information	On July 14, 2009 and August 11, 2009 Public Hearings were held at 118 West High Street. Legal notices of the hearings were published in the Oxford Press on June 1, 2009 and July 1, 2009.
Commission Action	The Planning Commission voted 5-0-0 to recommend to City Council ***APPROVAL*** of the final subdivision with the following conditions: 1. That, the City Engineer receives final EPA approval regarding the sanitary sewer; 2. That, the Homeowner's Association documents are reviewed and approved by the City of Oxford Law Director.
Commission Findings and Conclusions	At the August 11, 2009 meeting, the Planning Commission approved the final subdivision with conditions listed above.
Exhibits Submitted to the Commission	1. Staff Report dated July 17, 2009 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development dated May 29, 2009 3. Review and Comment Form 4. Ordinance No. 3030 5. Letter of Agency 6. Final Subdivision Application 7. Applicant Correspondence 8. Project Site Map 9. Tree Planting Layout 10. Final Record Plat 11. Plat of Survey 12. Approved Preliminary Plan 13. Home Owners Association By-Laws

City of Oxford

Community Development Department

STAFF REPORT

Planning Commission

Case # PC-10-2009 **Date – August 11, 2009**

APPLICATION

Applicant:	Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E.
Location:	South Poplar and Campus Avenue; 540 S. Campus Avenue Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150
Owner:	Paul W. Baer, Trust
Action Request:	Final Subdivision Phase I
Current Use:	Vacant
Current Zoning	R2MS
Surrounding Existing Land Uses:	Single-Family/Multi-Family & Miami University

GENERAL DESCRIPTION

The Applicant seeks approval of the Final Subdivision Plat to subdivide Phase I of the Campus Commons Subdivision. The subject site consists of approximately 7.81 gross acres including the existing Campus Courts apartment complex. Phase I, according to the application, consists of 5.434 acres. The subdivision was required to provide an additional right-of-way requirement along Poplar Street and improve Poplar Street from the northern property line to the new Rose Avenue extension; however, the Applicant is proposing to continue the Poplar Street improvements to Central Avenue. Phase I will construct the Rose Avenue extension to Campus Avenue and a part of the Poplar Street Extension from Central Avenue to Lot D7.

Two drainage basins are shown in Phase I; however, just one will be constructed during this Phase. One basin is at the rear of lots D1 & D2 and the second basin is located on the existing Campus Courts apartment complex lot. The second basin will be constructed during Phase II. The Homeowners Association documents indicate that these will be maintained by the Association and access easements are provided.

The sanitary sewer running through the Campus Courts apartment complex parking lot will be capped and rerouted into the new 18" main to be installed in the Rose Avenue extension. The sanitary line in Poplar Street will also be upgraded from a 12" to an 18" main.

Approved Preliminary:	**Phase I:**
7.81 gross acres *including Campus Courts Apartment Complex*	5.434 acre tract
20 two-family residential lots	7 two-family residential lots
2 single-family residential lots	

City Council approved Planning Commission's recommendation November 18, 2008 with conditions as outlined in Ordinance #3030.

1. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
2. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.

3. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
6. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
7. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014) . Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.
8. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
9. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

The property is zoned "R2MS" Single and Two-Family Mile Square Residential and is required to have 7,500 sq. ft. lots with 75 foot lot widths. All of the lots as presented in this Final Subdivision application satisfy the zoning requirements.

SURROUNDING NEIGHBORHOOD

The site is located in the Mile Square and is west of the Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

COMPREHENSIVE PLAN

The 2008 Comprehensive Plan focuses on connectivity via roadways, sidewalks and walking paths; continuing missing road segments and infill development. To continue the neighborhood qualities of the Mile Square, this proposed subdivision is including street trees, adequate lighting, and tree lawns. Water and sanitary services are also being upgraded for better service.

SUBDIVISION REGULATIONS

This Final Subdivision application is complete and substantially reflects the design and layout of the approved preliminary plan. Subdivision is an administrative review to evaluate the proposed subdivision based on the City's regulations, specifically, the division of parcels, and utility service to the proposed divided lots. The issue centered on any proposed subdivision is whether there would be sufficient municipal services to support the development and whether the development will meet the minimum standards stipulated in the City's regulations.

AGENCY COMMENTS

Requests for Agency Review were sent to the Police, Economic Development, Engineering and Fire Departments. The returned comments are attached for your consideration.

Police Department:	Applauds the connectivity.
Engineering:	See Attached.
Fire:	Returned with no comments.
Econ. Dev.:	Returned with no comments.

PUBLIC COMMENT FORMS

Comment forms were sent July 1, 2009 to 46 owners of record. A legal notice was published July 10, 2009 in the Oxford Press. Citizen comment forms have been received and are attached for your review.

STAFF ANALYSIS

It appears that all the proposed lots have met or exceeded the minimum dimensional standards of the "R2MS" Single and Two-Family Mile Square Residential District. Conditions of Ordinance #3030 appear to be satisfied at this time. The "gap lot" is marked on the Phased site plan as being part of Phase II; however, the draft record plat submitted to staff shows that it would be recorded with the existing Campus Courts apartment complex during Phase I for the purpose of satisfying the underlying zoning requirements for lot coverage and size. The pedestrian path through the "gap" will not be constructed until Phase II when Poplar is continued past Linden Drive, so as not to encourage pedestrians to "cut-thru" an active construction area.

Again, this Final Subdivision application substantially reflects the design and layout of the approved preliminary plan.

RECOMMENDATION

Not Applicable.

SUBMITTED
BY: Kathryn A. Dale

Kathryn A. Dale, AICP, Planner
Community Development Department

DATE: July 17, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/29/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2009

Description:

PC-10-2009 FINAL SUBDIVISION – South Campus Avenue, Campus Commons, proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

______X___ Review _________ Revisions __________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/30/2009** Note: If <u>no</u> comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: ____________________

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/29/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2009

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PC-10-2009 FINAL SUBDIVISION – South Campus Avenue, Campus Commons, proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

______X___ Review __________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/30/2009** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: 6-15-09

to Eng 5/29/09 1:53 pm

Baer Final Comments
6/24/09

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-10-2009
Campus Commons Subdivision – Phase I

DATE: June 15, 2009

Below are our comments.

Plan Sheet 2/2.

- The "Typical Section" for the street construction does not indicate an ODOT Item 407 between the two (2) asphalt concrete courses.
- The "Typical Section" for the street construction does not identify the ODOT item numbers for the two (2) asphalt concrete courses. Use item 446 for the intermediate course, and item 448 for the surface course.
- The subdivision regulations require that the plat be signed and sealed by a registered surveyor. This submittal contains a statement that a registered surveyor will sign the final plat.
- Ordinance 3030, Section 3 (g), adopted November 18, 2008, states that Phase I will consist of "… Rose Street Extension and Lots D1 – D 6…" The submittal indicates that Lot D7 will be part of Phase I.

If there are questions, please contact the Engineering Division at 513-524-5208.

Kathy Dale

From: Victor Popescu
Sent: Tuesday, August 04, 2009 8:51 AM
To: Kathy Dale
Subject: FW: Campus Commons PTI application
Attachments: CampusCommons1.doc

FYI

Victor Popescu, P.E.
City Engineer
City of Oxford
1-513-524-5216
vpopescu@cityofoxford.org

CONFIDENTIALITY NOTICE:
This information transmitted is intended only for the person or entity to which it is addressed and may contain personal information which is privileged and confidential. If you receive this material/information in error, please contact the sender and delete or destroy the material/information immediately.

-----Original Message-----
From: Victor Popescu
Sent: Tuesday, August 04, 2009 8:51 AM
To: 'Bob Broestl, Bellecci and Associates, Inc.'
Subject: FW: Campus Commons PTI application

Bob:
Please see the attachment. I need you to address the "Engineering Drawings" issues. I can take care of the rest. As you will note, Ohio EPA wants revised drawings, as well. This is the first project since I've been here that was not approved on the first try.
Thanks,

Victor Popescu, P.E.
City Engineer
City of Oxford
1-513-524-5216
vpopescu@cityofoxford.org

CONFIDENTIALITY NOTICE:
This information transmitted is intended only for the person or entity to which it is addressed and may contain personal information which is privileged and confidential. If you receive this material/information in error, please contact the sender and delete or destroy the material/information immediately.

-----Original Message-----
From: Ned Sarle [mailto:Ned.Sarle@epa.state.oh.us]
Sent: Friday, July 31, 2009 12:45 PM
To: Victor Popescu
Subject: Campus Commons PTI application

Attached is a copy of my comment letter. A signed hard copy will be sent to you.

If you have any questions or comments, please contact me.

Ned Sarle
Ohio EPA, Southwest District Office
Division of Surface Water
401 East Fifth Street
Dayton, Ohio 45402-2911
Phone: (937) 285-6096
Fax: (937) 285-6249
e-mail: ned.sarle@epa.state.oh.us

OhioEPA
State of Ohio Environmental Protection Agency

Southwest District Office

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

August 4, 2009

Mr. Victor Popescu
City of Oxford
101 East High Street
Oxford, Ohio 45056-1887

Re: Butler County, Campus Commons, Phase 1, PTI Application

Dear Mr. Popescu:

On July 15, 2009, the Ohio EPA received the detailed plans of the gravity sanitary sewer system for the Campus Commons, Phase 1 in Oxford, Ohio. At this time, I have completed my initial review of these plans. The following items will have to be addressed before I will be able to continue my review of the detailed plans:

<u>Sanitary Sewer and Pump Station Data Sheet</u>

1. On page 1 of 5, number 2, the pipe specifications for the 8 inch PVC pipe and the 18 inch DIP must be addressed.

2. On page 1of 5, number 2, maximum distance between the sanitary sewer manholes is indicated as being 442 feet. Ten State Standards limits this distance to no more than 400 feet. Please indicate if the City of Oxford has the necessary equipment to clean this pipe. Please also provide the justification for proposing a distance that exceeds this standard.

<u>Engineering Drawings</u>

1. On page 5 of 8, the 18 inch gravity sanitary sewer is proposed to pass through an existing 54 inch storm sewer. Please address the following comments:

   a) Please indicate why another alignment cannot be proposed for the sanitary sewer. Please also indicate why the storm sewer could not be relocated to eliminate this crossing.

   b) The Ohio EPA is concerned about displacement impacts to the sanitary sewer due to the flow in the storm sewer. Please indicate why a thrush block or concrete encasement is not required to prevent the sewer displacement.

c) Please indicate how the necessary hydraulics in the storm sewer will be maintained.

d) Please provide an overview and profile of the storm sewer manhole that contain both the storm sewer pipe and the sanitary sewer pipe.

e) Please clearly indicate that the DIP will not have any joints constructed within the storm sewer pipe.

f) The sanitary sewer pipe should be inspected on an appropriate schedule. This should include an annual inspection and an inspection after any large rain event.

g) Finally, the City of Oxford indicated that a similar situation existed with the community. Please provide any relevant information about this case.

A written response addressing all areas discussed in my letter should be submitted. In addition, you are required to submit three complete sets of revised engineering drawings and two copies of the Sanitary Sewer and Pump Station Data Sheet.

If you have any questions, please call me at (937) 285-6096.

Sincerely,

Ned Sarle
Division of Surface Water
Permits Group

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/29/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2009

Description:

PC-10-2009 FINAL SUBDIVISION – South Campus Avenue, Campus Commons, proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

______X___ Review __________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/30/2009** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I applaud the connectivity the project brings.

Drawings reviewed by: S Scarner

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 5/29/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2009

Description:

PC-10-2009 FINAL SUBDIVISION – South Campus Avenue, Campus Commons, proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

______X___ Review _________ Revisions ___________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/30/2009** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

IT IS NICE TO SEE THE STREET GRID PATTERN CONNECTS WITH THE EXISTING STREETS.

Drawings reviewed by: ______________________________

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: **PC-10-2009** **Date of Hearing:** **August 11, 2009**

PC-10-2009 FINAL SUBDIVISION – South Campus Avenue, Campus Commons, Phase 1, 7 lots, 5.434 acres, of a proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

If you cannot attend the public hearing on this development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **August 4, 2009** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: TOM CONRAD

Address: 942 WOODBINE LN
NORTHBROOK, IL

Telephone: Home: 847-274-6600 Work: 847-274-6600

COMMENTS: I own 4 homes within 2 Blocks of this proposed development. This area is already to congested. I am against this development.

Signature _______________ Date 7/4/09

ORDINANCE NO. 3030

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY APPROVAL OF THE CAMPUS COMMONS SUBDIVISION WITH CONDITIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 14, 2008, the purpose of which was to accept public comment on PC-23-2008 the proposed Preliminary Campus Commons Subdivision application.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the Preliminary Campus Commons Subdivision application with conditions.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and the applicant's application and all documents filed by the applicant and incorporates the same herein and hereby approves the application of the applicant for the Preliminary Campus Commons Subdivision, subject to the following conditions:

a. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's legal Counsel.
b. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
c. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
d. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
e. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
f. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.

g. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014).
Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.

H. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.

I. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Prudence J. Davis
MAYOR

ADOPTED: November 18, 2008

ATTEST:

Mary Ann Eaton
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

fIRST
first financial wealth resource

Another step on the path to success

ACT AS AGENT LETTER

May 20, 2009

Oxford Planning Commission
And Oxford City Council
Oxford, Ohio 45056

Dear Sirs:

Please let this letter serve as our authorization for Robert E. Broestl, PE and Michael J. Stegman, legal counsel, to act as our Agents for the Campus Commons Subdivision Application process. Mr. Broestl and Mr. Stegman will be representing First Financial Bank, Trustee for the Paul W. Baer Trust Properties, LLC, Trust Under Will.

Sincerely,

Kathy D. Carmack

Kathy D. Carmack
First Vice President/Trust Officer
First Financial Bank

Case No.: PC-10-09
Date filed: 5/28/09

Final Subdivision Application

City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:	Paul W. Baer Trust Properties, LLC / Robert Broestl, PE	
Mailing Address:	30 Park Terrace Court Walnut Creek, CA 94597	
Telephone Number(s):	925-685-4569	
Name of Subdivision:	Campus Commons (Phase I)	
Date of Planning Commission preliminary approval:	10/14/2008	
Date of City Council preliminary approval:	11/18/08	
Zoning District:	R2MS	
Number of Lots:	9 (7 duplex lots, Campus Courts, Residual Lot)	
Total Acreage:	5.434 Acres	
Surveyor/Engineer:	David Douglas Smith, PS	Robert Broestl, PE
Address:	Bayer Becker 318 S. College Avenue Oxford, OH 45056	30 Park Terrace Court Walnut Creek, CA 94597
Phone Number:	513-523-4270	925-685-4569

DRAWING REQUIREMENTS

Please submit one copy of the plat on mylar and twelve copies of the plat on bond. Drawing size must be at least 18" x 24" and should never exceed 24" x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford. Scale should not exceed 1" = 100'. The following information must appear on the plat:

a) Boundary lines of the area being subdivided with accurate distances and bearings.
b) The accurate outline of any portions of the property to be dedicated for public use.
c) A statement dedicating all proposed public streets and alleys with their names.
d) The lines of adjoining streets and alleys with their widths and names.
e) All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor's office.
f) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets and alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
g) The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
h) The location of all survey monuments and bench marks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corners.
i) The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
j) A vicinity map, drawn to scale, showing the general location within the City.
k) The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.
l) Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof .

m) Any existing water mains, culverts, water or sewer lines, easements, buildings and streets within the tract or immediately adjacent thereto.
n) The proposed location and width of streets, alleys lots and easements.
o) The name of the proposed subdivision and the name of the surveyor, engineer and owner at the time of subdivision.
p) The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
q) North arrow, scale and date.
r) The seal, registry number and signature of the public surveyor who prepared the plat.
s) Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) Community Panel Number 390731 0001- 0003, revised January 3, 1997, must be clearly illustrated and labeled on the plat.

A list of the names, mailing addresses and parcel numbers of all property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

Submit this application, required copies of the preliminary plan containing all required information and the required fee **($400.00 PLUS $100.00 PER LOT),** made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. All required information must be submitted at least fourteen (14) days in advance of the Planning Commission meeting at which action is requested.

NOTE: Incomplete applications will not be processed.

SIGNATURE OF APPLICANT: Robt Broestl **Date:** 5/27/2009

PRINTED NAME: **Robert Broestl**

FEE / RECEIPT

$400.00 PLUS $100.00 PER LOT Fee Paid / Receipt Number: $1,200.00 Pd 866557

Memorandum

Date: May 26, 2009

To: City of Oxford Planning Department

From: Robert Broestl, PE

Re: Baer Family Trust
Final Subdivision Plan for Campus Commons Phase 1

The City of Oxford City Council gave preliminary approval of the Campus Commons subdivision on November 18, 2008 (Ordinance No. 3030), with the following conditions:

a. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.

b. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.

c. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.

d. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.

e. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.

f. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.

g. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014). Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during phase 1.

h. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within two years from the start of Phase 2.

i. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

Phase 1 of the Campus Commons Subdivision is located within the City of Oxford Mile Square and is located between S. Campus Avenue on the east and the unimproved right of way for S. Poplar Street on the west. The land to be developed consists of two separate parcels. Campus Courts Apartments straddles the lot line of the two parcels. The combined land area of the two parcels in the Final Plat for Phase 1 equals 5.434 acres. The area set aside for the Campus Courts Apartments parcel is 2.36 acres.

The topography of the land is fairly flat, sloping from the northwest to the southeast. A majority of the land consists of grassy fields with trees around the property edges. There are no water courses flowing through or around the property. Existing utilities (sanitary sewer, water and storm drain) are located in the streets and easements directly adjacent to the property.

The proposed development for Phase 1 consists of 7 duplex lots with 75 foot minimum widths with 7,500 square foot minimum lot area. The proposed 30 foot wide roads in a 50 foot right of way match or exceed the character of the existing local roads surrounding the development. Rose Avenue will be extended to its intersection with S. Campus Avenue. Phase 1 will dedicate 20 feet of property along the western property line for S. Poplar Street from the southern property line to the projected extension of Bern Street. Poplar Street will be constructed from Central Avenue north to approximately 170' north of the Rose Avenue/Poplar Street intersection.

The existing sanitary sewer flows toward the development from the west down Wooster Place, Oberlin Court (by easement), Linden Drive, and Rose Avenue to a sanitary sewer main located in the existing S. Poplar Street right of way. The sanitary sewer is collected in a single pipe that flows through the Campus Courts Apartments' parking lot to the sanitary sewer main in S. Campus Avenue. Phase 1 will install a new 18" sewer main in Rose Avenue and upsize the sanitary sewer main in S. Poplar Street from a 12" to an 18" line. The sewer flows currently flowing through the Campus Courts Apartments' parking lot will be rerouted through the new sewer line in Rose Avenue to connect to the sewer main located in S. Campus Avenue. The sewer line through the Campus Court Apartment parking lot will be capped and abandoned up to the first service lateral from the apartments.

Existing water mains currently exist in the S. Poplar right of way, and S. Campus Avenue. Phase 1 will utilize these water mains to connect new water mains through the project along with the necessary number of fire hydrants to provide fire protection.

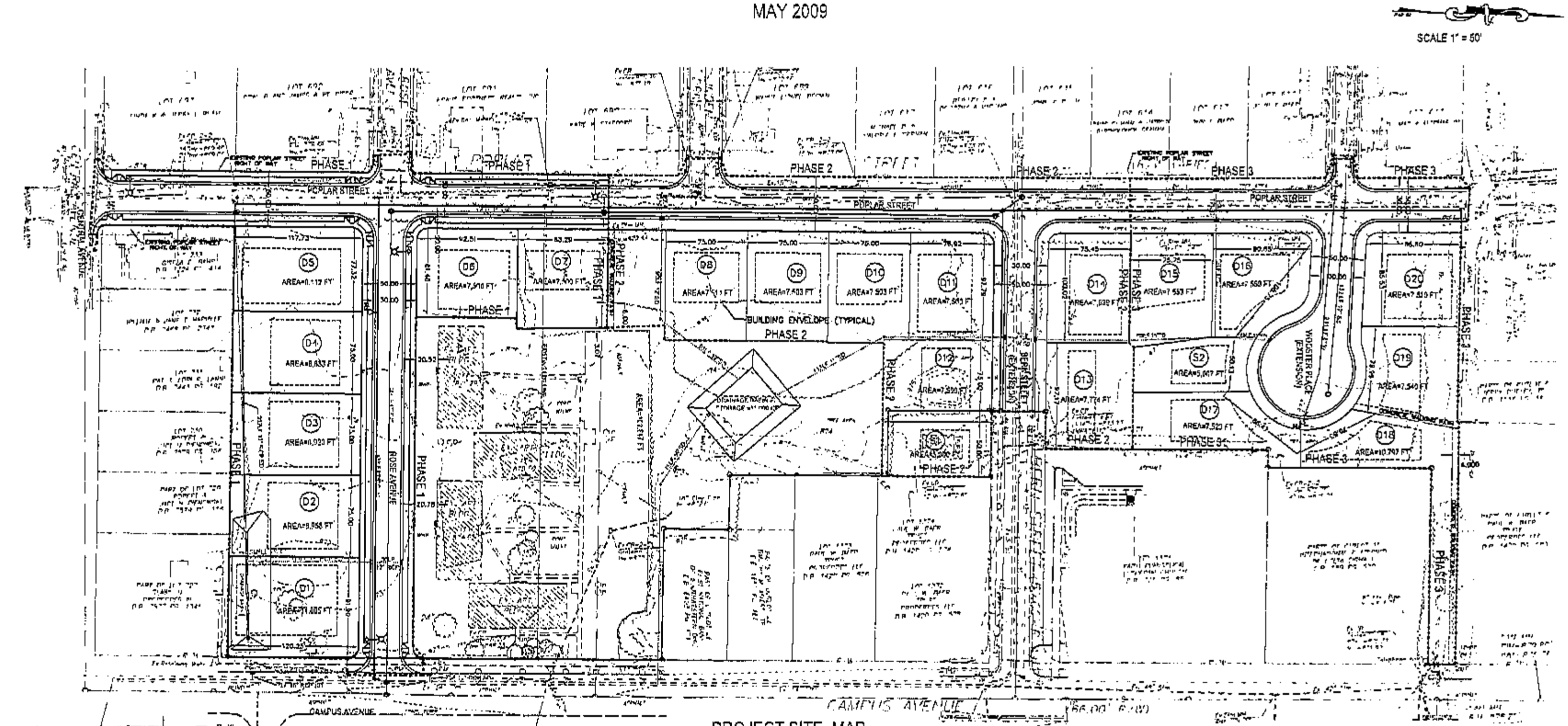
The storm water management plan for Phase 1 includes the construction of one detention basin that will contain the post development storm water run-off flows and meter the flow out to the predevelopment level. The basin is sized to contain the storm water run-off from a 100 year storm. Since the storm water run-off flows will be metered to match the existing flows from the undeveloped land the existing storm drain pipes should be adequately sized to accept the metered flows from the development. The land where the basin is to be constructed is shown on the Final Plat as a storm drain easement to the Home Owners Association for the operation and maintenance of the storm water detention basin.

FINAL SUBDIVISION APPLICATION
CAMPUS COMMONS SUBDIVISION PHASE 1

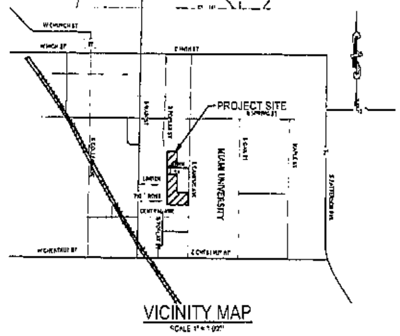
COMPOSED OF 5.434 TOTAL ACRES (236,705.04 SQUARE FEET)

OXFORD, OHIO

MAY 2009



PROJECT SITE MAP



VICINITY MAP

PRELIMINARY CAMPUS COMMONS SUBDIVISION APPROVED BY THE CITY COUNCIL ON NOVEMBER 18, 2008 ORDINANCE NO. 3030 SUBJECT TO THE FOLLOWING CONDITIONS:

A. THE MAINTENANCE OF THE PEDESTRIAN WALKING PATH AND THE RETENTION AREAS ARE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER AND ITS SUCCESSORS AND THAT HOMEOWNERS ASSOCIATION COVENANTS ARE RECORDED WITH THE FINAL DEVELOPMENT PLAN AND ACCEPTABLE TO THE CITY'S LEGAL COUNCIL.
B. A PEDESTRIAN PATH IS PROVIDED FROM THE EDGE OF THE EXISTING CAMPUS COURTS PARKING LOT, WESTWARD TO POPLAR STREET.
C. VEHICULAR INGRESS/EGRESS TO THE EXISTING CAMPUS COURTS APARTMENTS SHALL BE ACCESSED ONLY FROM CAMPUS AVENUE AND SHALL NOT BE PERMITTED FROM POPLAR STREET UNLESS THE CAMPUS AVENUE CURB CUT IS ELIMINATED.
D. VEHICULAR INGRESS/EGRESS TO D18 SHALL ONLY BE ACCESSED FROM WOOSTER PLACE AND SHALL NOT BE PERMITTED FROM CAMPUS AVENUE.
E. THE PROPOSED PEDESTRIAN WALKING PATH(S) IS PAVED IN ACCORDANCE WITH THE CITY OF OXFORD'S SIDEWALK STANDARDS.
F. THE TREE PLAN PRESENTED IS PART OF THE FINAL DEVELOPMENT PLAN, IN ACCORDANCE WITH THE CITY OF OXFORD CHAPTER 935.03 OFFICIAL STREET TREE SPECIES LIST AND STREET TREE PLAN.
G. AS PRESENTED THE PROJECT SHALL BE COMPLETED IN THREE PHASES, EACH PHASE TO BE COMPLETED WITHIN TWO YEARS (PHASE 1, ROSE STREET EXTENSION AND LOTS D1-D6 BY 2010; PHASE 2, BERN STREET EXTENSION AND LOTS D7-D14 AND S1 BY 2012; AND PHASE 3, WOOSTER PLACE EXTENSION AND LOTS D15-D20 AND S2 BY 2014). FURTHERMORE, THE INFRASTRUCTURE IMPROVEMENTS AS PRESENTED REGARDING THE ABANDONMENT AND RELOCATION OF AN EXISTING 12" SANITARY SEWER LINE GOING THROUGH THE CAMPUS COURTS APARTMENTS IS COMPLETED DURING PHASE 1.
H. THE FULL CONNECTIVITY OF POPLAR STREET FROM THE NORTHERN PROPERTY LINE TO CENTRAL AVENUE SHALL BE COMPLETED WITHIN 2 YEARS FROM THE START OF PHASE 2.
I. PERPETUAL EASEMENTS TO THE DRAINAGE BASINS ARE GRANTED TO THE HOMEOWNERS ASSOCIATION AND ACCEPTABLE TO THE CITY'S LEGAL COUNSEL.

OWNER

PAUL W. BAER TRUST PROPERTIES, LLC
BY: FIRST FINANCIAL BANK, N.A., TRUSTEE
OF THE PAUL W. BAER TESTAMENTARY. ITS
SOLE MEMBER

ROBERT BROESTL
CIVIL ENGINEERING & LAND PLANNING
PHONE (925) 685-4569

STATE OF OHIO
ROBERT E. BROESTL
E-64806
REGISTERED PROFESSIONAL ENGINEER

BY	DATE	REVISION

CAMPUS COMMONS – PHASE 1

TITLE SHEET

BUTLER COUNTY

OXFORD, OH

MAY 2009

1/2

CAMPUS COMMONS – PHASE 1

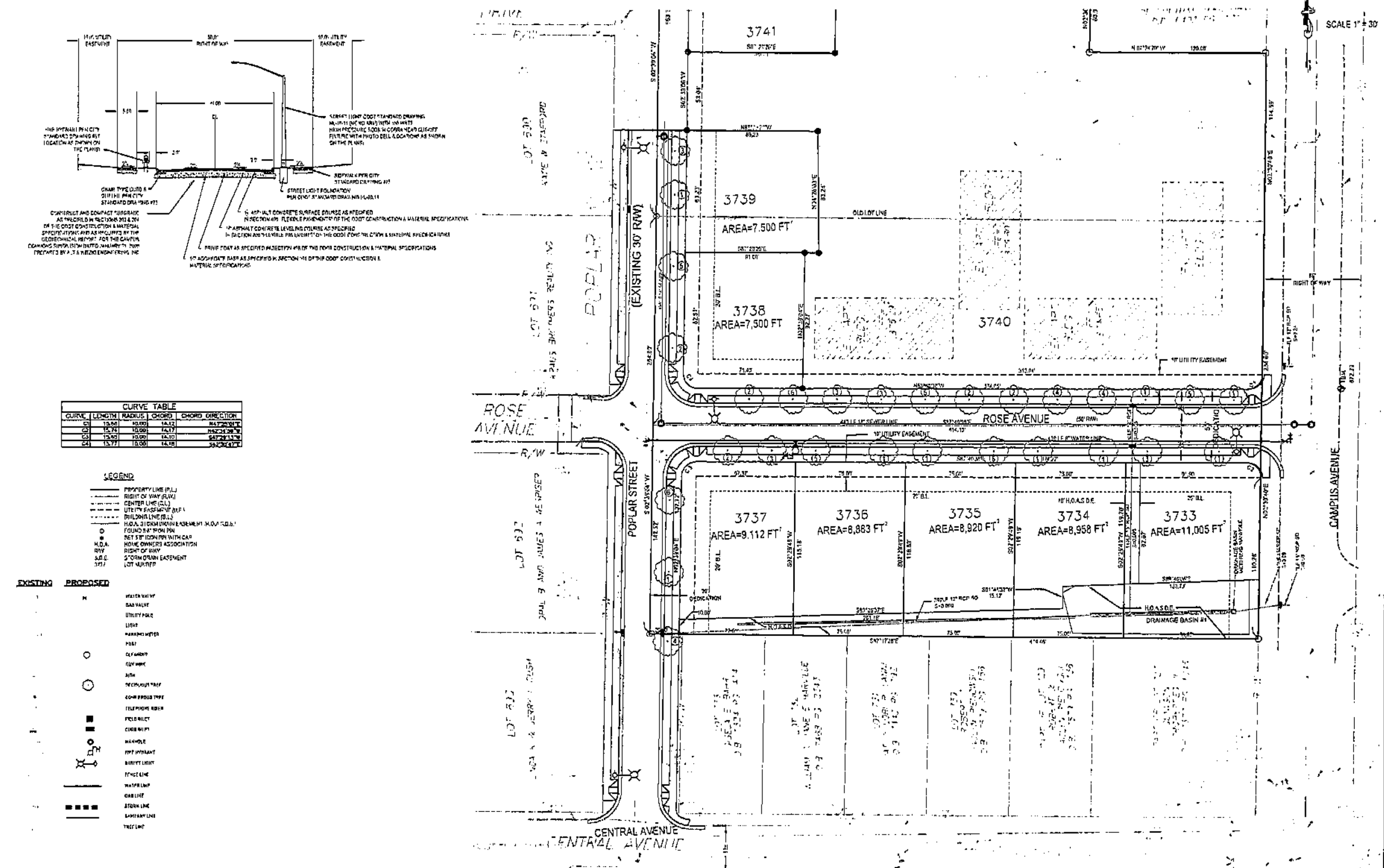
PHASE 1 PROJECT PLANS

OXFORD, OH — BUTLER COUNTY

ROBERT BROESTL
CIVIL ENGINEERING & LAND PLANNING
PHONE (925) 685-1559

MAY 2009 — 2/2 — JOB# 69001

SCALE 1" = 30'



CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	15.80	10.00	14.12	[illegible]
C2	15.74	10.00	14.17	[illegible]
C3	15.60	10.00	14.10	[illegible]
C4	15.77	10.00	14.18	[illegible]

Number	Tree Name - Common	Latin Name
1	Tataricum Maple	Acer Tataricum
2	Amur Maple	Acer ginnala
3	Prairiefire Crabapple	Malus 'Prairiefire' (tree form)
4	Centurion Crabapple	Malus 'Centzam' (tree form)
5	Ivory Silk Tree Lilac	Syringa reticulata 'Ivory Silk'
6	Shadblow Serviceberry	Amelanchier arborea

Tree Planting

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE ACCOMPANYING PLAT IS THE CORRECT RETURN OF A SURVEY MADE UNDER MY DIRECTION FOR CAMPUS COMMONS PHASE 1. MONUMENTS HAVE BEEN SET AND THEIR LOCATION AND SIZE ARE SHOWN ON THE PLAT AND THAT THE CITY OF OXFORD SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH TO THE BEST OF MY KNOWLEDGE.

DAVID DOUGLAS SMITH (WILL SIGN FINAL PLAT AS SURVEYOR OF RECORD)
PROFESSIONAL SURVEYOR # 7121 IN OHIO

THE UNDERSIGNED BEING THE OWNER OF 5.43± TOTAL ACRES OF LAND IN OUTLOTS #24 & #25 OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, DO HEREBY ASSENT TO AND ADOPT THE ACCOMPANYING PLAT OF SUBDIVISION TO BE KNOWN AS CAMPUS COMMONS PHASE 1, AND DO HEREBY PERPETUALLY DEDICATE TO THE CITY OF OXFORD THE SHOWN RIGHT OF WAY, STREETS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF ROADWAY, PUBLIC UTILITIES POLES, WIRES, CONDUITS AND NECESSARY ATTACHMENTS IN CONNECTION THEREWITH FOR THE TRANSMISSION OF ELECTRICITY, TELEPHONE AND CABLE; AND FOR THE PURPOSES FOR THE CONSTRUCTION AND MAINTENANCES OF PIPE LINES FOR SUPPLYING GAS, IN ACCORDANCE WITH THE LINES IN SUCH CASES MADE AND PROMOTED IN STREETS AND ROADWAYS AS SHOWN ON SAID PLAT, AND DECLARES THE SAME TO BE FREE AND UNENCUMBERED. THE TITLE ACQUIRED BY DEED BOOK 7167, PAGE 247.

FINAL RECORD PLAT

OF

CAMPUS COMMONS, PHASE 1

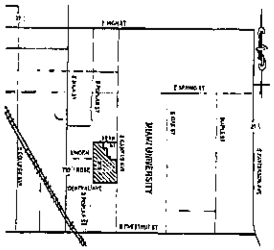
PART OUTLOTS #26 & #35

CITY OF OXFORD, BUTLER COUNTY

OHIO

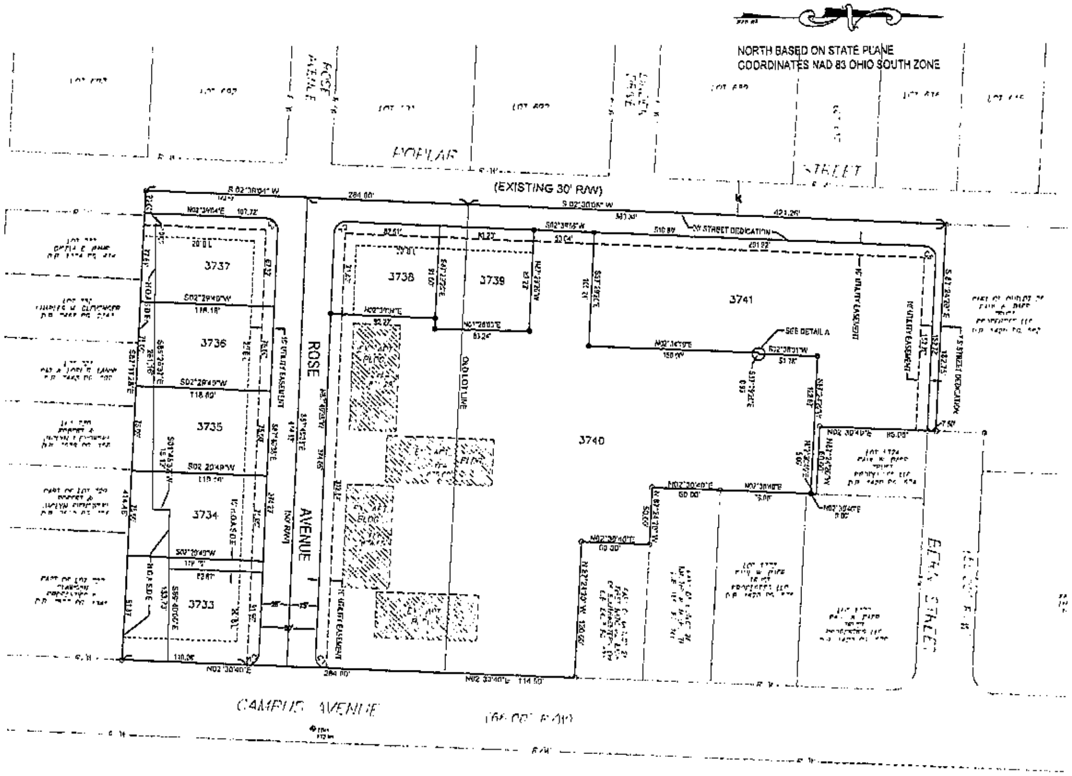
COMPOSED OF 5.434 TOTAL ACRES

MAY 2009



VICINITY MAP
SCALE 1"=1,000'

LOT NUMBER	FEMA 1ST FLOOR ELEVATION	MINIMUM OPEN ELEVATION	MINIMUM BUILDING DRAIN (SAN. SEWER)	LOT AREA (ACRE)	LOT AREA (SQ. FT.)
3733	N/A	N/A	867.0	0.253	11,005.02
3734	N/A	N/A	867.1	0.206	8,958.33
3735	N/A	N/A	867.2	0.205	8,920.42
3736	N/A	N/A	867.3	0.204	8,882.52
3737	N/A	N/A	867.4	0.209	9,111.75
3738	N/A	N/A	867.4	0.172	7,500.25
3739	N/A	N/A	867.8	0.172	7,500.29
3740	N/A	N/A	N/A	2.361	102,846.79
3741	N/A	N/A	N/A	0.845	36,823.52

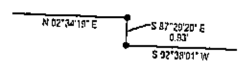


CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	15.68	10.00	14.12	N42°25'01"E
C2	15.74	10.00	14.17	N42°34'59"W
C3	15.65	10.00	14.10	S47°29'13"W
C4	15.77	10.00	14.18	S42°30'47"E
C5	15.70	10.00	14.14	S47°37'23"W

LEGEND

- PROPERTY LINE (P.L.)
- RIGHT OF WAY (R.W.)
- CENTER LINE (C.L.)
- UTILITY EASEMENT (U.E.)
- BUILDING LINE (B.L.)
- H.O.A. STORM DRAIN EASEMENT (H.O.A.S.D.E.)
- O FOUND 5/8" IRON PIN
- ● SET 5/8" IRON PIN WITH CAP
- H.O.A. HOME OWNERS ASSOCIATION
- R/W RIGHT OF WAY
- S.D.E. STORM DRAIN EASEMENT



DETAIL A
NTS

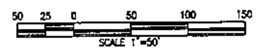
BENCHMARK:
MARKER LOCATED IN BASE OF POWER POLE ON THE EASTERN SIDE OF CAMPUS AVENUE: ELEVATION 872.89'

TOTAL LINEAR FEET OF DEDICATED STREETS:
1,302.74'

TOTAL AREA OF DEDICATED STREETS:
0.807 ACRES

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE ACCOMPANYING PLAT IS THE CORRECT RETURN OF A SURVEY MADE UNDER MY DIRECTION FOR CAMPUS COMMONS PHASE 1. MONUMENTS HAVE BEEN SET AND THEIR LOCATION AND SIZE ARE SHOWN ON THE PLAT AND THAT THE CITY OF OXFORD SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH TO THE BEST OF MY KNOWLEDGE.

DAVID DOUGLAS SMITH
PROFESSIONAL SURVEYOR # 7121 IN OHIO



BY	DATE	REVISION

ROBERT BROESTL
CIVIL ENGINEERING & LAND PLANNING
PHONE (925) 685-4559

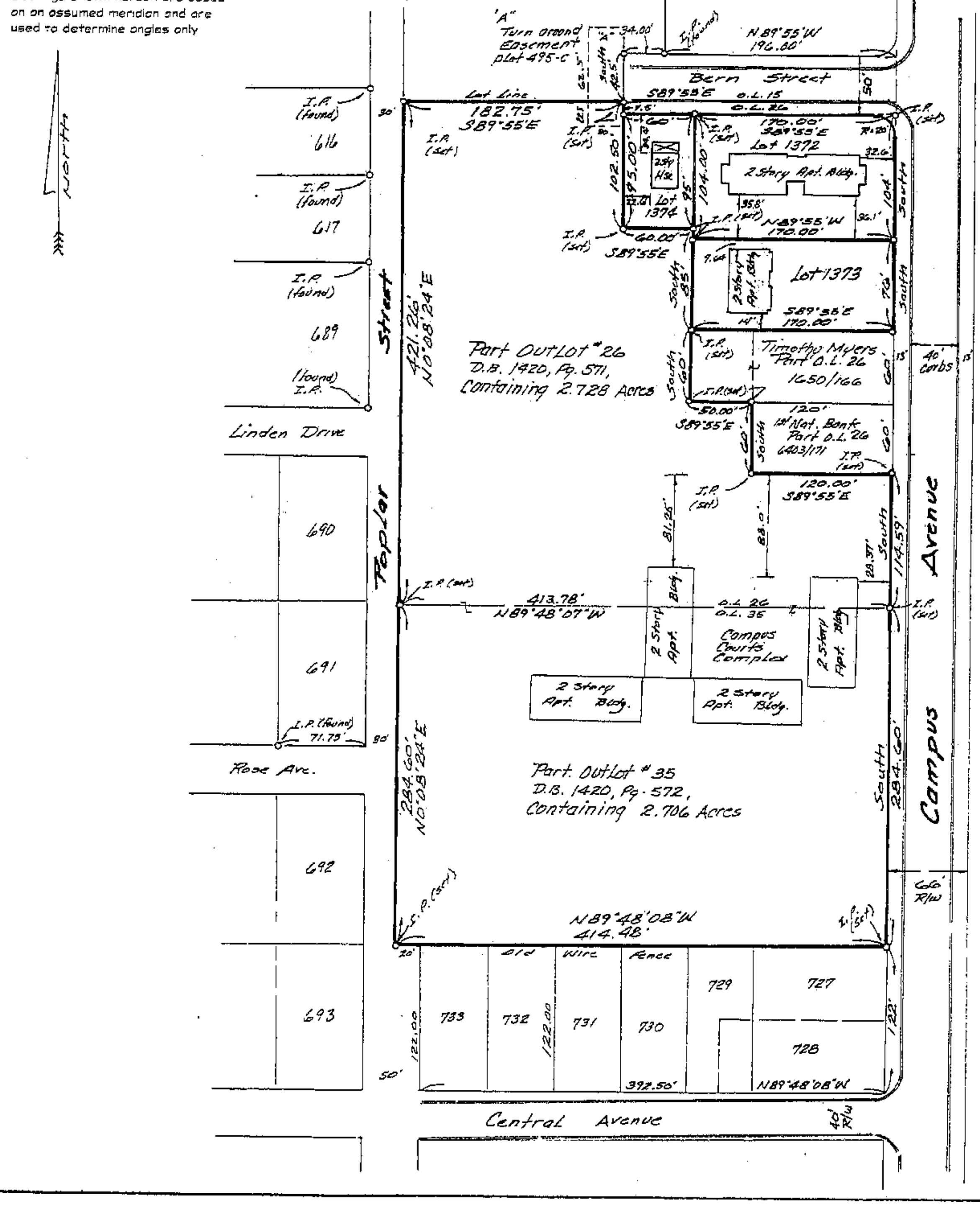
STATE OF OHIO
ROBERT E. BROESTL
E-64006

CAMPUS COMMONS – PHASE 1
FINAL RECORD PLAT
OXFORD, OH
BUTLER COUNTY

MAY 2009

3/3

Bearings shown hereon are based on an assumed meridian and are used to determine angles only



Volume __________ Page __________.
Butler County Engineer's
Record of Land Surveys.

NOTES
1) Source documents are as shown hereon.
2) Occupation in general fits Survey except as shown.
3) Monumentation found is in good condition.
4) —o— Indicates 5/8" Iron rod with I. D. cap [set] unless otherwise noted.
5. Subject to all easements and restrictions of record.

PLAT OF SURVEY

~~Lots~~ 1372, 1373, 1374
Part Outlots 26, 35
City of Oxford
Butler County, Ohio

For: Paul W. Baer Trust
Date: June 27, 2005 Rev: 1/27/06
Scale: 1"=60'

0 60' 120'

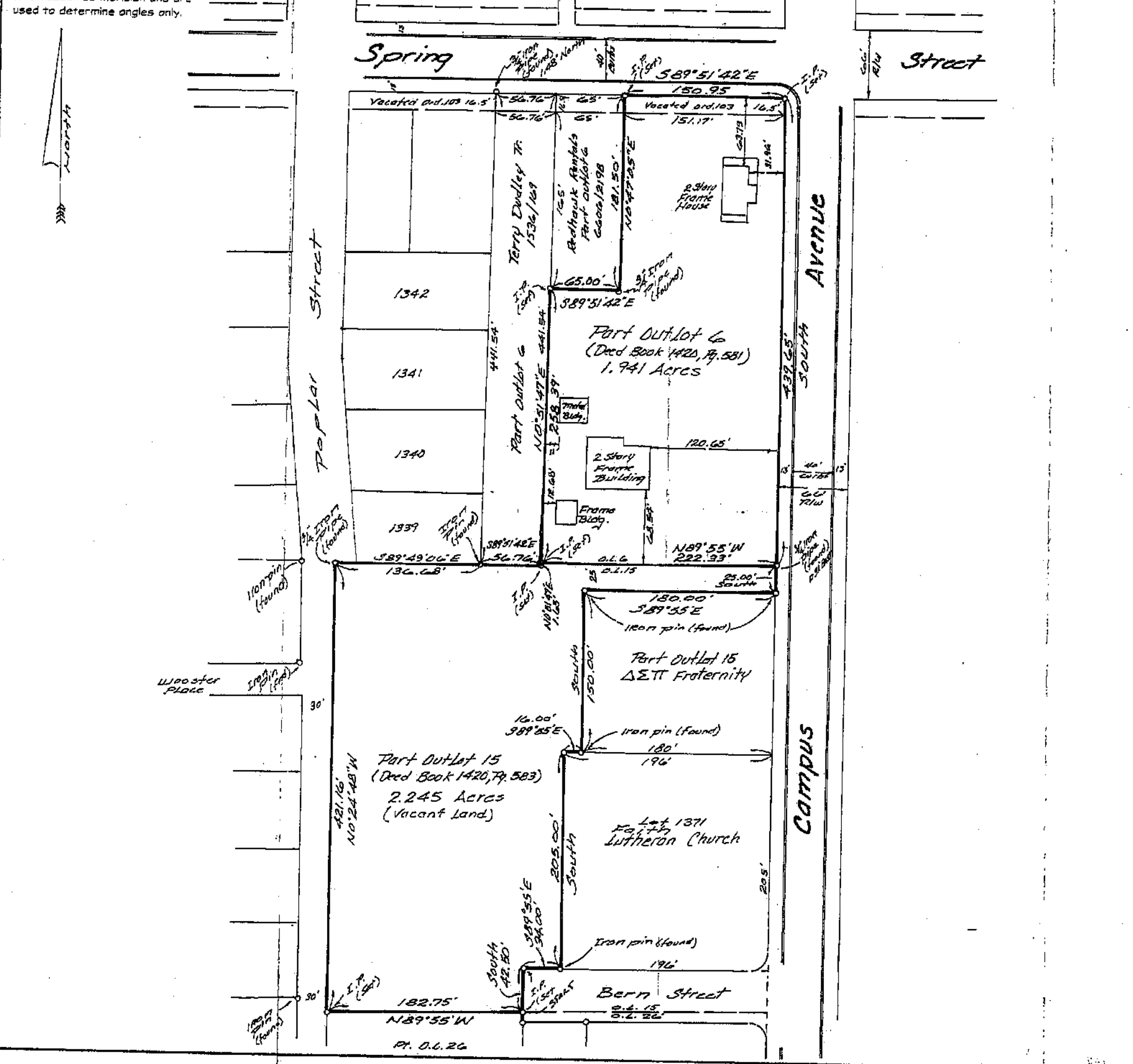
By: Brosey Surveying Company
Hamilton, Ohio.

I certify that the hereon platted property was measured to acceptable Survey Standards only.

Daniel R. Brosey
Registered Surveyor, 6492 in Ohio

STATE OF OHIO
DANIEL R. BROSEY
6492
REGISTERED
PROFESSIONAL SURVEYOR

Bearings shown hereon are based on an assumed meridian and are used to determine angles only.



Volume __________ Page __________.
Butler County Engineer's
Record of Land Surveys.

NOTES
1) Source documents are as shown hereon.
2) Occupation in general fits Survey except as shown.
3) Monumentation found is in good condition.
4) —o— Indicates 5/8" iron rod with I. D. cap (set) unless otherwise noted.
5) subject to all easements restrictions of record.

PLAT OF SURVEY

Part Outlots 6 & 15
City of Oxford
Butler County, Ohio

For: Paul W. Baer Trust
Date: June 22, 2005
Scale: 1" = 60

0' 60' 120'

By: Brosey Surveying Company
Hamilton, Ohio.

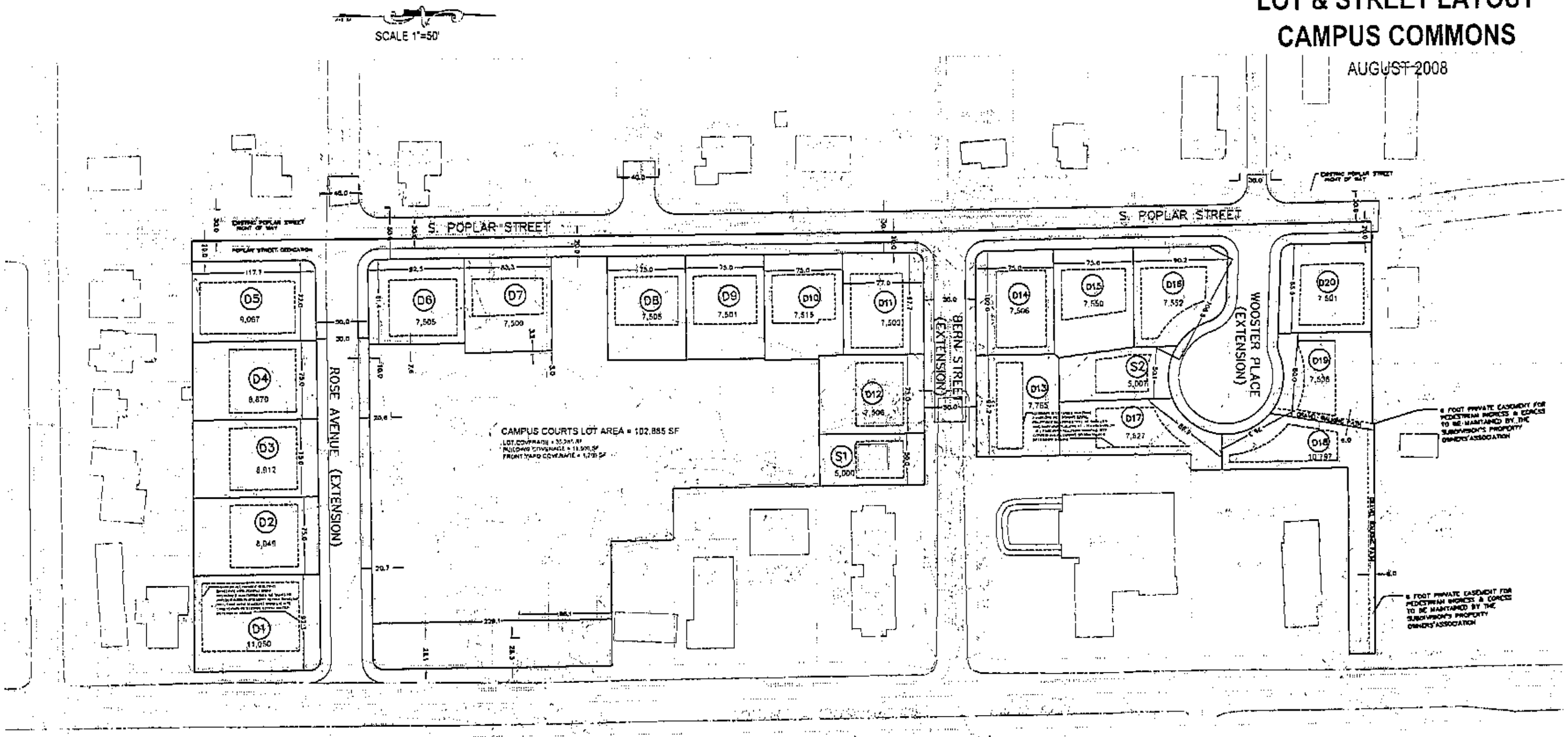
I certify that the hereon platted property was measured to acceptable Survey Standards only.

Daniel R. Brosey
Registered Surveyor, 6492 in Ohio

STATE OF OHIO DANIEL R. BROSEY 6492 REGISTERED PROFESSIONAL SURVEYOR

PRELIMINARY SUBDIVISION PLAN
LOT & STREET LAYOUT
CAMPUS COMMONS

AUGUST 2008



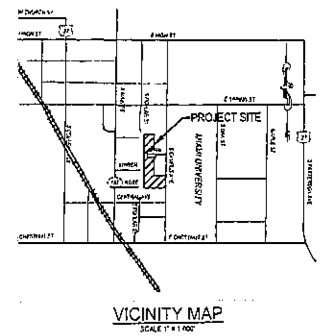
PRELIMINARY SUBDIVISION PLAN

(20) DUPLEX LOTS (75' MIN. WIDTH & 7,500 SF MIN. AREA)
(2) SINGLE FAMILY LOT (50' MIN. WIDTH & 5,000 SF MIN. AREA)

TOTAL LAND AREA	340,203.6 SQUARE FEET (7.81 ACRES)
LESS CAMPUS COURTS	102,885.0 SQUARE FEET (2.36 ACRES)
	237,318.6 SQUARE FEET (5.45 ACRES)

PROJECT PHASING

PHASE 1 - LOTS D1 THROUGH D5
PHASE 2 - LOTS D7 THROUGH D14 INCLUDING LOT S1
PHASE 3 - LOTS D15 THROUGH D20 INCLUDING LOT S2



VICINITY MAP

Approved Preliminary Plan

ROBERT BROESTL
CIVIL ENGINEERING & LAND PLANNING
PHONE (9__ 1569

STATE OF OHIO
ROBERT E. BROESTL
E-64606
REGISTERED PROFESSIONAL ENGINEER

PROPOSED RESIDENTIAL SUBDIVISION
CAMPUS COMMONS
PAUL W. BAER TRUST PROPERTIES LLC
OXFORD, OH
BUTLER COUNTY

AUGUST 25, 2008

1
3

BY	DATE	REVISION

Exhibit A

BY-LAWS (CODE OF REGULATIONS)
OF
CAMPUS COMMONS HOME OWNERS ASSOCIATION, INC.

ARTICLE I

NAME AND LOCATION

The name of the Association is Campus Commons Home Owners Association, Inc. ("the Association"), which corporation, not-for-profit, is created pursuant to the provisions of Chapter 1702 of the Ohio Revised Code. The principal office of the Association shall be as set forth in its Articles of Incorporation ("the Articles"), and the place of meetings of Members and of the Directors of the Association shall be at such place in Butler County, Ohio as the Board of Directors ("the Board"), may from time to time designate.

ARTICLE II

DEFINITIONS

All of the terms used herein shall have the same meanings as set forth in the Articles of the Association and in the Declaration of Covenants, Easements, Restrictions and Assessment Lien (the "Declaration") encumbering the Lots.

ARTICLE III

MEMBERS

Section 1. Composition. Each owner of a Lot, as that term is defined in the Articles, is a Member of the Association. Paul W. Baer Trust Properties LLC, an Ohio limited liability company (the "Declarant"), is the sole initial Member.

Section 2. Annual Meetings. Regular annual meetings of the Members shall be held in the first calendar quarter of each year hereafter, on a date and at an hour established from time to time by the Board.

Section 3. Special Meetings. Special meetings of the Members may be called at any time by the president or by the Board, or upon written request of Members entitled to exercise one-fourth (1/4) or more of the voting power of Members.

Section 4. Notice of Meetings. Written notice of each meeting of Members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least five days before such meeting, to each Member entitled to vote at such meeting, addressed to the Member's address last appearing on the books of the Association, or supplied by such Member to the Association for the purpose of notice, or by delivering a copy of that notice at such address at least five (5) days before the meeting. The notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 5. Quorum. The Members present, in person or by proxy, at any duly called and noticed meeting of Members, provided such Members represent a majority of the voting power of all Members of the Association, shall constitute a quorum for such meeting. Members entitled to exercise a majority of the voting power of Members represented at a meeting may, at any time, adjourn such meeting. If any meeting is so adjourned, notice of such adjournment need not be given if the time and place to which such meeting is adjourned are fixed and announced at such meeting.

Section 6. Proxies. At any meeting of Members, a Member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary prior to the meeting. Every proxy shall be revocable and shall automatically cease upon conveyance by a Member of his, her or its Lot.

Section 7. Voting Power. Except as otherwise provided in the Articles, the Declaration, or by law, a majority of the voting power of Members voting on any matter that may be determined by the Members at a duly called and noticed meeting shall be sufficient to determine that matter. The rules of Roberts Rules of Order shall apply to the conduct of all meetings of Members except as otherwise specifically provided in the Articles, Declaration, or by law.

Section 8. Action In Writing Without Meeting. Any action that could be taken by Members at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of all Members.

Section 9. Voting Power Prior to Turnover Date. Notwithstanding any provision of these By-Laws or the Articles to the contrary, all voting power of Members of the Association shall be vested in the Declarant until the "Turnover Date" provided for in the Declaration.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. Initial Directors. The initial Directors shall be the following three persons, each of whom shall serve until his or her successor is elected or until earlier resignation, removal from office, death or incompetency:

____

____

____

Section 2. Number and Term. The number of directors shall not be fewer than three or more than five, as determined by the Members. The directors, other than the first Board of Directors provided above, shall be elected at the annual meeting of the Members, and each director elected shall serve until the next succeeding annual meeting and until his or her successor shall have been elected and qualified.

Section 3. Removal. Any Director may be removed from the Board with or without cause, by a majority vote of the Members. In the event of the death, resignation or removal of a Director that Director's successor shall be selected by the remaining Members of the Board and shall serve until the next annual meeting of Members, when a Director shall be elected to complete the term of such deceased, resigned or removed Director.

Section 4. Nomination. Nominations for Directors to be elected by the Members shall be made by a nominating committee. Nominations may also be made from the floor at the meetings. The nominating committee shall consist of a chairman, who shall be a Member of the Board, and two or more Members appointed by the Board. The nominating committee shall make as many nominations for election to the Board as it shall, in its discretion, determine, but no less than the number of vacancies that are to be filled.

Section 5. Election. Election to the Board by the Members shall be by secret written ballot. At such elections, the Members or their proxies may cast, in respect to each vacancy, such voting power as they are entitled to exercise under the provisions of the Articles. The persons receiving the largest number of votes shall be elected, and likewise, those receiving the largest number of votes shall be elected to the longest terms (if applicable).

Section 6. Compensation. Unless otherwise determined by the Members at a meeting duly called and noticed for such purpose, no Director shall receive compensation for any service rendered to the Association as a Director. However, any Director may be reimbursed for his or her actual expenses incurred in the performance of duties.

Section 7. Regular Meetings. Regular meetings of the Board shall be held no less than quarterly, without notice, on such date and at such place and hour as may be fixed from time to time by resolution of the Board.

Section 8. Special Meetings. Special meetings of the Board shall be held when called by the president of the Board, or by any two Directors, after not less than three days notice to each Director.

Section 9. Quorum. The presence at any duly called and noticed meeting, in person or by proxy, of Directors entitled to cast a majority of the voting power of Directors shall constitute a quorum for such meeting.

Section 10. Voting Power. Except as otherwise provided in the Articles, the Declaration, or by law, the vote of a majority of the Directors voting on any matter that may be determined by the

Board at a duly called and noticed meeting (if applicable) at which a quorum is present shall be sufficient to determine that matter.

Section 11. Action In Writing Without Meeting. Any action that could be taken by the Board at a meeting may be taken without a meeting with the affirmative vote or approval in a writing or writings signed by all of the Directors.

Section 12. Powers. The Board shall exercise all powers and authority, under law, and under the provisions of the Declaration or these Articles, that are not specifically and exclusively reserved to the Members by law or by other provisions thereof, and without limiting the generality of the foregoing, the Board shall have the right, power and authority to:

(a) Take all actions deemed necessary or desirable to comply with all requirements of law, the Articles, and the Declaration;

(b) Obtain insurance coverage in amounts deemed by such Directors to be appropriate;

(c) Enforce the covenants, conditions and restrictions set forth in the Declaration;

(d) Repair, maintain, and replace the Pedestrian Paths, Storm Water Detention Facilities and Subdivision Sign(s), as defined in the Declaration;

(e) Establish, enforce, levy and collect assessments as provided in the Articles and Declaration;

(f) Declare the office of a Member of the Board to be vacant in the event such Director shall be absent from three consecutive regular meetings of the Board;

(g) Authorize the officers to enter into one or more agreements necessary or desirable to fulfill the purposes and objectives of the Association and to facilitate the efficient operation of the Association. The terms of any such agreements shall be as determined by the Board to be in the best interest of the Association, subject, in all respects, to the provisions of the Articles, Declaration, and these By-Laws;

(h) Cause funds of the Association to be invested in such reasonable investments as the Board may from time to time determine;

(i) Do all things and take all actions permitted to be taken by the Association by law, or the Articles, the Declaration, or these By-Laws, not specifically reserved thereby to others.

Section 13. Duties. It shall be the duty of the Board to:

(a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at each annual meeting of Members, or at any special meeting when such statement is requested in writing by Members representing one-half (1/2) or more of the voting power of Members;

(b) Supervise all officers and agents of the Association and see that their duties are properly performed;

(c) As more fully provided in the Articles, the Declaration, and these By-Laws, to:

(i) Fix the amount of assessments against each Lot;

(ii) Give written notice of each assessment to every Member subject thereto within the time limits set forth therein; and

(iii) Bring such actions as the Board deems appropriate and establish a lien against any property for which assessments are not paid within a reasonable time, or against the Member(s) personally obligated to pay the same, or both;

(d) Issue, or to cause an appropriate representative to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid;

(e) Procure and maintain insurance as provided in the Articles, the Declaration, and these By-Laws and as the Board deems advisable;

(f) Cause the property subject to the Association's jurisdiction to be maintained within the scope of authority provided in the Articles, the Declaration, and these By-Laws;

(g) Cause the restrictions created by the Declaration to be enforced; and

(h) Take all other actions required to comply with all requirements of law, the Articles, the Declaration, and these By-Laws

ARTICLE V

OFFICERS

Section 1. Enumeration of Offices. The officers of this Association shall be a president, a secretary, a treasurer and such other officers as the Board may from time to time determine. No officer need be a Member of the Association nor need any officer be a Director. The same person may hold more than one office.

Section 2. Selection and Term. Except as otherwise specifically provided in the Articles or by law, the officers of the Association shall be selected by the Board, from time to time, to serve until the Board selects their successors.

Section 3. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 4. Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the president, or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

Section 5. Duties. The duties of the officers shall be as the Board may from time to time determine. Unless the Board otherwise determines, the duties of the officers shall be as follows:

(a) President. The president shall preside at all meetings of the Board, shall have the authority to see that orders and resolutions of the Board are carried out, and shall sign all legal instruments on behalf of the Association.

(b) Secretary. The secretary shall record the votes and keep the minutes and proceedings of meetings of the Board and of the Members, serve notice of meetings of the Board and of the Members, keep appropriate current records showing the names of Members of the Association together with their addresses, and shall act in the place and stead of the president in the event of the president's absence or refusal to act.

(c) Treasurer. The treasurer shall assume responsibility for the receipt and deposit in such bank accounts and investment of funds in such vehicles as the Board directs, the disbursement of such funds as directed by the Board, the keeping of proper books of account, the preparation of an annual budget and a statement of income and expenditures to be presented to the Members at annual meetings, and the delivery or mailing of a copy of each to each of the Members.

ARTICLE VI

COMMITTEES

The Board shall appoint a nominating committee and may appoint such other committees as it deems appropriate in carrying out its purposes.

ARTICLE VII

BOOKS AND RECORDS

The books, records and financial statements of the Association shall be available during normal business hours or under other reasonable circumstances, upon request to the Association, for inspection by Members and the holders and insurers of first mortgages on Lots. Likewise, during normal business hours or under other reasonable circumstances, the Association shall have available for inspection by Members, holders, insurers and guarantors of first mortgages on Lots, and prospective purchasers, current copies of the Articles, the Declaration, and these By-Laws, and any rules and regulations promulgated by the Board.

ARTICLE VIII

AUDITS

The Board shall cause the preparation and furnishing of an audited financial statement for the immediately preceding fiscal year, within a reasonable time following request (provided that no such statement need be furnished earlier than ninety days following the end of such fiscal year), in the following circumstances:

1. To each requesting Member, at the expense of the Association, upon the affirmative vote of Members exercising a majority of the voting power of Members; and

2. Upon the request of the holders of fifty-one percent (51%) or more of the first mortgagees on Lots, provided the audit, if an audited statement is not already available, shall be prepared at the expense of such holders.

ARTICLE IX

FISCAL YEAR

Unless otherwise changed by the Board, the fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation of this Association.

ARTICLE X

AMENDMENTS

These By-Laws may be amended by the vote of Members holding seventy-five percent (75%) of the voting power of the Members.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police
Originating Department

Council Meeting Of: September 1, 2009

Steve Schwein
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

August 28, 2009
Date Prepared

Agenda Title: An Ordinance Adopting New Chapter 550, Section 550.01 of the Oxford Code of Ordinances Establishing the Creation of an Alcohol Education Program.

Recommendation: Adopt the Ordinance.

Discussion: OPD has utilized an Alcohol Education Program (AEP) for approximately the past decade. The program has had the full support of the Prosecutor's Office as well as the Area I Judge. The advantages of the program to the City of Oxford include reduced numbers of court appearances by Officers at overtime rate; and, revenue derived from the program assist in the purchase of specialized equipment and the funding of extra patrols, and the potential for workers in the Community Service arena. Benefits to the Prosecutor's Office and Area I Court include a substantial reduction in costly jury and bench trials resulting in a much shorter docket (time and personnel cost savings). These are cases which would, save this program, clog and cause a backlog in the criminal justice system. Benefits to those arrested include a one time opportunity to salvage a clean arrest record after having made a bad choice, and be provided with an education/counseling opportunity that perhaps could curb an emerging pattern of life-long bad choices with regard to alcohol over consumption.
While this program has worked well for years, and while a challenge to the program was decided favorably in the program's behalf, it is the opinion of the Prosecutor, the Judge, and the Law Director that the program is best offered and administered by the City of Oxford and formalized and codified by this ordinance. There are no additional personnel costs to the City of Oxford as a result of enacting this law.

Approved By:

	Initial	Date
Department Head:	SDS	8/28/09
City Attorney:	X	
City Manager:	[illegible]	8/29/09

ORDINANCE NO. _______

AN ORDINANCE ADOPTING NEW CHAPTER 550, SECTION 550.01 OF THE OXFORD CODE OF ORDINANCES ESTABLISHING THE CREATION OF AN ALCOHOL EDUCATION PROGRAM

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION I: Municipal officials and residents have experienced the increasing frequency of offenders committing criminal acts including, but not limited to, underage consumption of alcohol, public intoxication and open containers of alcohol; and that these activities negatively impact the quality of life for all citizens of the City and cost the City and citizens tens of thousands of dollars dealing with the impact of such activities.

SECTION II: Council wishes to implement an Alcohol Education Program to provide eligible offenders who commit misdemeanor alcohol-related crimes with an alternative to being charged and having the matter adjudicated. An Alcohol Education Program will (1) emphasize restorative justice and reduce the cost and caseload burden on the justice system, (2) provide a source of funding to combat the problems noted in Section I, and (3) provide individuals exhibiting potentially life-threatening behaviors and developing life-style problems with intervention of an educational and constructive rather than punitive nature.

SECTION III: Council hereby adopts new Chapter 550, Section 550.01, "Alcohol Education Program" of the Oxford Code of Ordinances to read as follows:

Chapter 550. Alcohol Education Program

Section 550.01 Alcohol Education Program

An individual who is at least eighteen (18) years old and has been charged with any of the following violations may file an Application with the Chief of Police requesting the opportunity to participate in the Alcohol Education Program:

(a) 509.03 Disorderly Conduct/Public Intoxication
(b) 521.08 Littering (with alcohol involved)
(c) 525.02 Falsification (with alcohol involved)
(d) 525.07 Obstructing Official Business (with alcohol involved)
(e) 529.02 Sales to and use by underage persons
(f) 529.05 Permit Required
(g) 529.06 Low-Alcohol Beverages; Sale to and purchase by underage persons prohibited
(h) 529.07 Open container prohibited
(i) 529.21 Purchase by Minor, Misrepresentation

The application must include a comprehensive list of the charges the individual seeks to have dismissed as a result of completing the Alcohol Education Program, and shall further state that:

(1) the Applicant agrees to comply with, and be bound by, all of requirements contained in this section and the terms and conditions established by the Chief of Police for the Alcohol Education Progam;
(2) the Applicant has voluntarily executed the Application and fully understands all of the requirements of the Alcohol Education Program, and that the Applicant has sought advice of counsel to answer any questions which the Applicant may have concerning the Alcohol Education Program.

The Applicant shall notify the City Prosecutor and the Court of the filing of the Application. Upon receipt of notice from the Chief of Police that the charged individual has filed an Application to participate in the Alcohol Education Program, the City Prosecutor shall request that proceedings in the court case be stayed pending a decision by the Chief of Police on the Application, and if the Application is approved, the applicant's satisfactory completion of the Alcohol Education Program.

The Chief of Police will use his or her discretion to decide whether to approve the application and allow the charged individual to participate in the Alcohol Education Program. When making this decision, the Chief of Police shall consider the following factors:

(1) the specific facts and circumstances surrounding each particular case;
(2) whether the offense was the result of circumstances likely to reoccur;
(3) whether the accused has a history of prior delinquency or criminal activity;
(4) whether the accused led a law-abiding life for a substantial time before commission of the alleged offense;
(5) whether there exists substantial grounds tending to excuse or justify the alleged offense; and
(6) any other information deemed relevant to the decision.

(A) An accused who enters the Alcohol Education Program shall do all of the following:

(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial and all hearings; and

(2) Agree, in writing, to the tolling while in the Alcohol Education Program of all periods of limitation established by statutes or rules of court, that are applicable to the offense with which the accused is

charged and to the conditions of the Alcohol Education Program established by the City of Oxford.

(3) Agree that no guarantee can be given that all charges will be dismissed.

(B) The conditions of the program may consist of, but not be limited to not more than 20 hours of community service work; restitution; successful completion of an Alcohol Education Program approved by the Chief of Police (which may include, but not necessarily be limited to, attendance at alcohol education classes, counseling or additional activities related to alcohol education); and other types of programs related to the offense committed by the accused.

(C) In the event that an accused is assigned to community service work as part of the Alcohol Education Program, the Chief of Police may allow, based on exigent circumstances, an accused to pay $15.00 per community service hour to satisfy the community service requirements. Funds derived from the payment of $15.00 per community service hour shall be payable to the Law Enforcement Trust Fund.

(D) A fee of Three-Hundred and Fifty dollars ($350.00) will be assessed to program participants to defer the cost and expense incurred by the operation of and participation in the Alcohol Education Program. In case of economic hardship the Chief of Police may use his or her discretion to waive any portion of this fee. Funds derived from the Program Fee, less the cost of tuition to attend the Alcohol Education Program, shall be payable to the Enforcement and Education Fund.

(E) The Chief of Police shall notify the City Prosecutor that the Applicant has successfully completed the program and will make a recommendation to have all or specific charges dismissed.

(F) Following the Applicant's successful completion of the Alcohol Education Program and based upon the recommendation of the Chief of Police, the City Prosecutor shall recommend to the trial court that the charges against the Applicant, as delineated in the Application and the recommendation of the Chief of Police, be dismissed, and the court, upon the recommendation of the prosecuting attorney, shall dismiss the charges. The accused may still continue to be charged with other charges not specifically Alcohol related.

(G) The Alcohol Education Program has no effect or impact on any disciplinary or legal matters brought against the accused by Miami University.

SECTION IV: This ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED: _____________

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: September 1, 2009

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

August 26, 2009
Date Prepared

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Agenda Title: Ordinance Repealing Oxford Code Of Ordinances 146, Finance Commission.

Recommendation:

Discussion:

As requested by Vice Mayor Bogard.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	[signature]	8/28/09

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODE OF ORDINANCES CHAPTER 146, FINANCE COMMISSION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: After reviewing the mission, functions and responsibilities of the Finance Commission, which was established on June 5, 2007 by Ordinance No. 2959, the members of the Finance Commission recommend that Chapter 146 of the Oxford Code of Ordinances be repealed, thereby discontinuing the Finance Commission.

SECTION 2: The Finance Commission believes that the financial structure, policies and operations of the Finance Department are sound and that the City has an excellent financial reporting record. The Finance Commission believes the City does not need a Finance Commission to oversee functions that are the inherent responsibility of City Council, as fiscal overseer of the finances of the City of Oxford.

SECTION 3: City Council hereby accepts the recommendation of the Finance Commission and repeals Chapter 146, Finance Commission of the Oxford Code of Ordinances effective December 31, 2009.

SECTION 4: This Ordinance shall take effect at the earliest date allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: STAFF(LAW)

August 7,2009
To: Oxford City Council
Douglas Elliott, City Manager
Joe Newlin, Finance Director
Finance Commission
From: Ken Bogard, Chair, Finance Commission
Re:Discontinuance of the Finance Commission

After reviewing the mission, functions, and responsibilities of the Finance Commission which was established on June 5, 2007, the members of the Finance Commission are recommending that the commission be discontinued.

A little history on it's estabishment is helpful in understanding the recommendation. The ordinance to establish the commission was proposed by Harlita Robinson, Finance Director (4/3/06-2/15/08), as another level of oversight to assist City Council in better understanding the city's financial system and policies. After approval of the ordinance, the commission met several times to review the Finance Department's policies, structure, and communication links. At the same time , the Finance Department was going through changes in financial software (purchasing, budgeting, procurement, etc) and financial procedures within the City's departments.

In reviewing the Duties of the Finance Commission, many of the responsibilities were not performed by the commission as outlined in the Administrative Code 146.03 (a) through (h); see attached page. Each member of the commission brought some experience to the function but the scope of the responsibilities were beyond some of our experiences.We were in the beginning stages of the process when Harilita was hired as Finance Director in Forest Park, Ohio
The appointment of Joe Newlin as the new Finance Director was approved by City Council on April 15, 2008 and he started May 19. Since that time, the commission met to discuss suggested periodic reports to be sent to Council keeping them informed of the financial status of the city. Alas, budget preparation time was upon us and Joe Newlin was in the throes of his first budget for the city and all the interviews and processes that go into that effort. The Commission did not get involved in the process and in reviewing the budget document prior to Council involvment(item g), understandbly so.

The Finance Commission believes that the financial structure, policies, and operations are handled very well within the current structure and the city has had an excellent financial reporting record for several years (CAFR). We are very fortunate to be financially sound. Members of Council, staff, legal counsel always have the avenue to request or make rec-comendations for financial improvements in the system taking into account federal, state, and county requirements which also responds to the public citizenry.

We, the Finance Commission believe at this point of time that we do not need another com-mission to oversee the functions that are the inherent responsibility of the City Council which is fulfilling its responsibility as the fiscal observer and overseer of the financial picture of the

City of Oxford.

ORDINANCE NO. 2959

AN ORDINANCE ADOPTING NEW CHAPTER 146 FINANCE COMMISSION OF THE OXFORD CODE OF ORDINANCES TO CREATE A FINANCE COMMISSION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION I: The City Manager and Finance Director recommend adopting Chapter 146 to create a Finance Commission

SECTION II: Council for the City of Oxford, Ohio, hereby accepts the recommendation of the City Manager and Finance Director and hereby adopts new Chapter 146 Finance Commission of the Oxford Code of Ordinances to read as follows:

Chapter 146 Finance Commission

Section 146.01 Purpose.

The Finance Commission is for the purpose of providing recommendations to assist City Council in monitoring the financial environment of the City by reviewing internal controls, policies, and legislation presented to City Council that pertain to audit, municipal finance, budget, debt, and financial reporting.

Section 146.02 Membership

(a) The Finance Commission shall consist of five (5) members, two of whom are members of Council with the first appointee serving as the Chair and the second appointee serving as Vice-Chair. Two finance professionals with at least five years experience in auditing or financial accounting shall be appointed by the City Manager and approved by City Council. The fifth member of the Commission shall be a community representative with knowledge of or the ability to comprehend accounting or finance and shall be a resident of the City of Oxford and appointed by City Council. No professional or community member of the Commission shall have a financial or contractual interest in the City of Oxford in accordance with the ethics provisions of the Ohio Revised Code.

(b) The appointed members' terms shall be three years overlapping terms. The first Commission shall have the following terms of office: the representatives of City Council will have one representative with a one year term as Vice-Chair and one with a three year term as Chair. The finance professionals shall have one representative with a two year term and one representative with a three year term and the appointed City resident will have a two year term.

Section 146.03 Duties of the Finance Commission

The duties of the Finance Commission shall be:

(a) To assist City Council in fulfilling oversight responsibilities as they relate to the audit, budget, financial reporting, and the internal control structure for those processes.

(b) To maintain by way of meetings, direct lines of communication between the Commission, financial management, the independent accountants, and internal auditors. Also by way of public sessions to review the capital improvement plan and the operating budget. To review financial policies relating to compliance with laws and regulations, ethics, conflict of interests, the investigation of misconduct and fraud, and an analysis of appropriateness.

(c) To conduct periodic reviews of current legislation that impacts forecasting of future estimated resources.

(d) To coordinate annual reviews of compliance with financial policies and Ohio Revised Code through the City's independent accountants.

(e) To define reporting requirements for the Commission and City Council.

(f) To review the assumptions behind the development of the proposed budget and engagement letter for the annual audit. If provided, to review the management letter from the independent auditor and advise City Council of the status of the internal control structure and make recommendation of corrective actions, when required.

(g) To review the budget document and the comprehensive annual financial report and make recommendations for improvements, when necessary.

(h) To assess the performance of the Finance Department.

Section 146.04 Meetings

The Finance Commission shall meet at least quarterly in each calendar year and as many additional times as the majority of members deems necessary. All meetings of the Finance Commission shall be public and the dates and attendance of the meetings shall be published by the Clerk of Council in the City Record. The Chair, however, may hold executive sessions in accordance with the provisions of the Ohio Revised Code. A simple majority of the members shall constitute a quorum for the transaction of business. Any member who is absent for three consecutive duly-called meetings shall be removed by the Chair from the Finance Commission. In the event that a vacancy occurs during the term of any member, the appropriate appointing authority shall name a successor to serve the unexpired term. The members of the Finance Commission may request that members of the other departments of the City be present at the meetings, as well as representatives of the independent auditor. The Finance Commission shall keep minutes of its meetings, a copy of which shall be kept on file with the Clerk of Council and available for public inspection.

SECTION III: This ordinance shall take effect at the earliest time allowed by law.

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MAYOR

ADOPTED: June 5, 2007

ATTEST:

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DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JEROME CONLEY

PREPARED BY: LAW (STAFF)